# California Journal

A MONTHLY DIGEST OF STATE GOVERNMENT AND POLITICS

EXECUTIVE BRANCH

## The Governor's Office Cabinet and the Staff

INTERVIEW

## Reagan's Staff Chief

LEGISLATURE

## Vote Reforms Proposed

POLITICAL ROUNDUP

## Secretary of State

**June 1970 in Review**

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# Editor's Note

While every newspaper in the state and every California government text devotes minute attention to the Governor of California and his policies and politics, little is known of the inner organization of his office, the workings of the cabinet, the mechanics of decision-making within the Governor's office and the personalities of the men behind Reagan — his staff members — the people most likely to influence the Governor's reaction to policy problems.

Associate Editor Jud Clark with the help of Assistant Editor Beverly Lane has written a detailed description of the organization and operation of the Governor's office, providing the reader with a personal behind-the-scenes view of the complexities of gubernatorial decision-making.

* * *

Women's rights legislation appears to stand some chance of passage this year for the first time in several years of attempts. Assistant Editor Ann Jenkins wrote the story with some much-appreciated assistance from Marion Ash, editor of *Skirting the Capitol.*

* * *

The second of the continuing *Journal* articles on lobbying describes the government relations aspect of Kaiser Industries. While Kaiser is one of the largest and most diversified corporations in the state, its lobbying is similar to that of any corporation with independent advocacy in Sacramento. One unique aspect about Kaiser sets it apart from just about every other lobby in Sacramento, however. Associate Editor Bill Geyer, who wrote the story, discovered much to his horror that Kaiser lobbyist Nils Eklund loves the early morning hours. Bill's first interview with Eklund began at 7:30 a.m., and Eklund had already driven to Sacramento from Oakland that morning. And a bleary-eyed *Journal* editor, leaving the office at 6:00 a.m. one day last week, saw Eklund purposefully walking toward the capitol as though there might be somebody there he could talk to.

* * *

It is with particular feeling that *California Journal* political editor, Vic Fazio, reports on efforts to improve the state's vote counting. The last issue went to bed four days later than scheduled due to the absurd delay in the count.

## DEPARTMENTS


Executive Branch .....151
Interview. .....156
Legislature .....158
Progress of Legislation .....164
Education .....165
Political Roundup .....166
Third House. .....170
State Government Reports .....172
Letter from Washington .....173
Bench & Bar .....174
California Calendar .....176
People in the News .....176
Voting Records .....177



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EXECUTIVE BRANCH

# Organization of the Governor's Office

After a long period marked by turmoil and dissension, the Reagan administration top level staff now feel they have welded together an efficient management team. The accomplishment has not come easy. Rus Walton, the thoughtful and introspective Program Development Secretary for the Governor thinks changes are due to a "cumulative of experience, maturity and growth." It is clear that the first of these commodities is experience. Walton recalls Lyn Nofziger, the former press secretary, saying "We were *amateur* amateurs." While Walton and others readily acknowledge that they lacked experience in government and even held a certain distrust for those who did have experience, they also feel that dissension within the staff severely hampered their ability to serve the Governor effectively.

Responsibility for this turmoil and disorganization, characteristic of the workings of the staff during the first two years of the administration, usually falls to Phil Battaglia, who was Reagan's first executive secretary. Personal criticsm of the bright and aggressive former executive secretary is expressed in guarded terms, but it is apparent that most of the improvements pointed to by present members of the Governor's staff are contrasted with the way things were done when Battaglia ran the operation.

## Access to the Governor

The most significant change is reflected in the high premium which is placed on "opening up the policy-making process" so that everyone on the staff has an opportunity to express his views to the Governor. This has been accomplished by making the cabinet the focal point where decisions are made (see The Cabinet, page 152). Under Battaglia, the practice was to try to achieve unanimity on decisions in precabinet sessions with the result, as one staff member put it, that only "ultra-distilled" decisions came before the Governor. While this approach was justified as a way of conserving the Governor's time, it meant that in fact someone else had made the decision. And usually it was Battaglia.

The movement to eliminate "unilateral" decisions has not been confined to the Governor's personal staff. In order to bring a broader perspective to the staff meetings, the members of the cabinet who are responsible for overseeing the operations of departments are asked to attend. The cabinet has been broadened to include Controller Houston Flournoy and Treasurer Ivy Priest in addition to Lt. Governor Ed Reinecke. This effort to involve the operating departments and other constitutional officers in the decisions of the administration is a conscious reaction to the tight-knit circle that surrounded Battaglia and alienated those who were outside it.

Among the "outsiders" who resented their inability to see the Governor were legislators, particularly members of his own party who felt they should be kept advised on what the administration intended to do. Often the lapses were minimal, as on the occasions when the Governor made appointments without giving the legislator in whose district the appointment was made the courtesy of prior notice. At other times it created rifts between the Governor and prominent Republican legislators who felt they had a right to know what position Reagan was going to take on legislative issues. To remedy this the Governor now meets regularly with legislators and specifically with the leadership. This year, for the first time since taking office, Reagan met before the Legislature convened with Assembly Speaker Bob Monagan and then-President pro Tem of the Senate Howard Way to discuss the major issues of the forthcoming session.

The product of these changes is not easy to measure. One sign, however, is a new cooperation among the Republicans this year that became apparent in the unified support for the administration tax bill which included the withholding tax feature which Reagan had adamantly opposed in prior years. There are other visible signs, too, of an improved level of performance by the Reagan staff. The three years' experience, and particularly the early turmoil, are no doubt the primary reasons.

## Have to Deliver

Ironically, the increased efficiency in the management of the Governor's office has brought problems of a different order. "Smoothing out our operation," according to Rus Walton "has allowed us to be aware of more of the problems that we should be dealing with. There just isn't sufficient time to take all the time you want to handle the immense problems confronting government. It's a vicious circle." In assessing the problem, Walton expresses the conflict between running the operation and finding time to be creative: "How do you keep on top of the natural pace of government and at the same time innovate? Sometimes there is a tendency to let routine matters continue on their own, but that's self-defeating. In the world of fantasy you say, 'We should establish priorities.' "

The conflict cited by Walton plagues any administration. However, the dilemma is accentuated for the Reagan administration, which assumed office on the promise that it would change the course of government, and was made even more apparent by the 1968 election in which Republicans gained control of the Legislature.

During the first two years of his administration Reagan was frequently able to claim, often with good reason, that the programs he sought were being bottled up by the Legislature — both houses being in the control of Democratic majorities. When the Republicans gained control, responsibility for program and policy implementation shifted to their doorstep. The events occurred however, at a time when the administration seemed better prepared to stand the success.

Recognition of the administration's need to deliver is not confined to the Governor's office, a factor which has contributed to the improved cooperation the Governor is receiving from the Republican legislative leadership. Equally aware are the Democrats. The most significant question this poses for Reagan is whether his new management team and legislative majorities can produce the innovations and improvements in government promised by the Creative Society.



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# Cabinet is Key Policy Body

In the few months prior to his inauguration as California's thirty-third Governor, Ronald Reagan appointed a task force headed by former state legislator "Cap" Weinberger to set up the administrative machinery for the new regime. The Weinberger blueprint called for a realignment of management responsibilities, with all executive branch departments reporting to the Governor through four cabinet secretaries instead of the eight "super agency" heads, as Governor Edmund G. Brown's top administrators had come to be known.

Reagan accepted the plan, which was quietly instituted first on an informal basis and later submitted to the Legislature as the Governor's first reorganization plan. Although his proposal was approved, Weinberger, who was prominently mentioned as a candidate for the post of Finance Director, was not offered a position in the new cabinet. This fact has been generally attributed to the opposition of members of Reagan's "kitchen cabinet" who were antagonistic toward Weinberger because he supported Nelson Rockefeller in the Republicans' bitter 1964 presidential primary.

After the hasty departure of Reagan's first Director of Finance, Gordon Paul Smith, who barely lasted out the first year, Weinberger's solid credentials and experience in government supplied the administration with a sorely needed commodity, and he was an enthusiastic choice as Smith's successor. Keeping long hours and demanding the same dedication from his department that he demanded of himself, Weinberger took firm hold of the fiscal reins of the state and worked to make the Finance Department an effective part of the decision-making apparatus of the cabinet, which was beginning to show signs of functioning as the Weinberger task force had envisioned in 1966.

## Cabinet a Working Unit.

While Weinberger, now a central figure in Nixon's recent reorganization of the White House, drafted the Reagan cabinet plan, it is William P. Clark, following Phil Battaglia's "one-man show" as Executive Secretary in May 1967, who is credited with making it a working unit. One staffer, referring to the internal animosity and intrigue of the Battaglia days, says that most of the personality conflicts have been "pretty well worked out." Rus Walton, the Governor's Secretary for Program Development, credits Bill Clark with really opening things up in the administration so no one feels like he is on the outside. "When Clark took over he put a lot of air in the operation," is the way Walton expresses it.

It is this openness of the decision-making process, coupled with a degree of stability which accompanied it, that has come to be a measure of the administration among the staff, particularly those that were around in the first months. "There is no back door," says EDWIN MEESE III, a quiet, affable and efficient administrator who has taken care of the door since Bill Clark left for a Reagan judicial appointment. Like Clark, Meese is an executive secretary who believes in the team approach and considers the task of coordinating and directing the management of the office to be his prime responsibility.

Meese has been with Reagan since the first days of the new administration, although he did not work on the 1966 campaign, and was surprised when he was asked to serve as Legal Affairs Secretary. A graduate of Yale University and the University of California School of Law at Berkeley, Meese gave up his post as Deputy District Attorney of Alameda County to take charge of the sensitive clemency proceedings at a time when a record number of inmates were serving sentences on San Quentin prison's condemned row.

## On Staff and Cabinet

As Executive Secretary (since February 1969) Meese serves both as a member of the Cabinet and as head of the staff of the various sections of the Governor's office. Although the executive secretary is the only member of the Governor's personal staff to serve on the cabinet, all of the senior staff members sit in on the meetings of the cabinet (and in turn, the four cabinet secretaries are invited to sit in on the staff meetings).

Director of Finance VERNE ORR, who assumed the finance post this January when Weinberger became chairman of the Federal Trade Commission, also is a member of the cabinet and is directly responsible to the Governor for the overall fiscal management of the state. He is also considered part of the staff, and is often tabbed as a trouble-shooter to head up a task group to determine alternatives for Reagan policy.

Before taking the finance post, the 54-year old savings and loan executive was Reagan's Director of Motor Vehicles and for a brief interlude headed the Department of General Services. A graduate of Pomona College, Orr was active in business and civic affairs in Pasadena before joining the administration.

Three of the four cabinet secretaries who make up the balance of the six-man cabinet have been with Reagan since the start of his term: EARL COKE, JAMES HALL and NORMAN (IKE) LIVERMORE. Livermore, a businessman in sawmill and lumber manufacturing, and a longtime member of the Sierra Club, has been from the start the Secretary for Resources, overseeing water resources, parks and recreation and similar agencies. He received credits from conservationists for his part in the Reagan admini-

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Sacramento has some people working in jobs for which they seem to have been destined:

Bill Dochterman is Executive Secretary of the Sacramento County Medical Society;

Lobbying for the Retirement Betterment Committee of the Public Employees Retirement System is A. E. Money;

Representing the Central, Upper San Gabriel, and West Basin Water Associations in Sacramento is Carl Fossete.

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Introduced as a bill to exempt white canes for the blind from the sales tax, AB 347 by Assemblyman William Bagley was amended successively to exempt from taxation the United States Flag, Bibles, Mother's Day cards and finally, "apple pies and pieces thereof." Odds favor passage if AB 347 reaches the floor.



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stration's decision to hold up construction of the Dos Rios Dam which would have flooded Round Valley.

## Earl Coke and James Hall

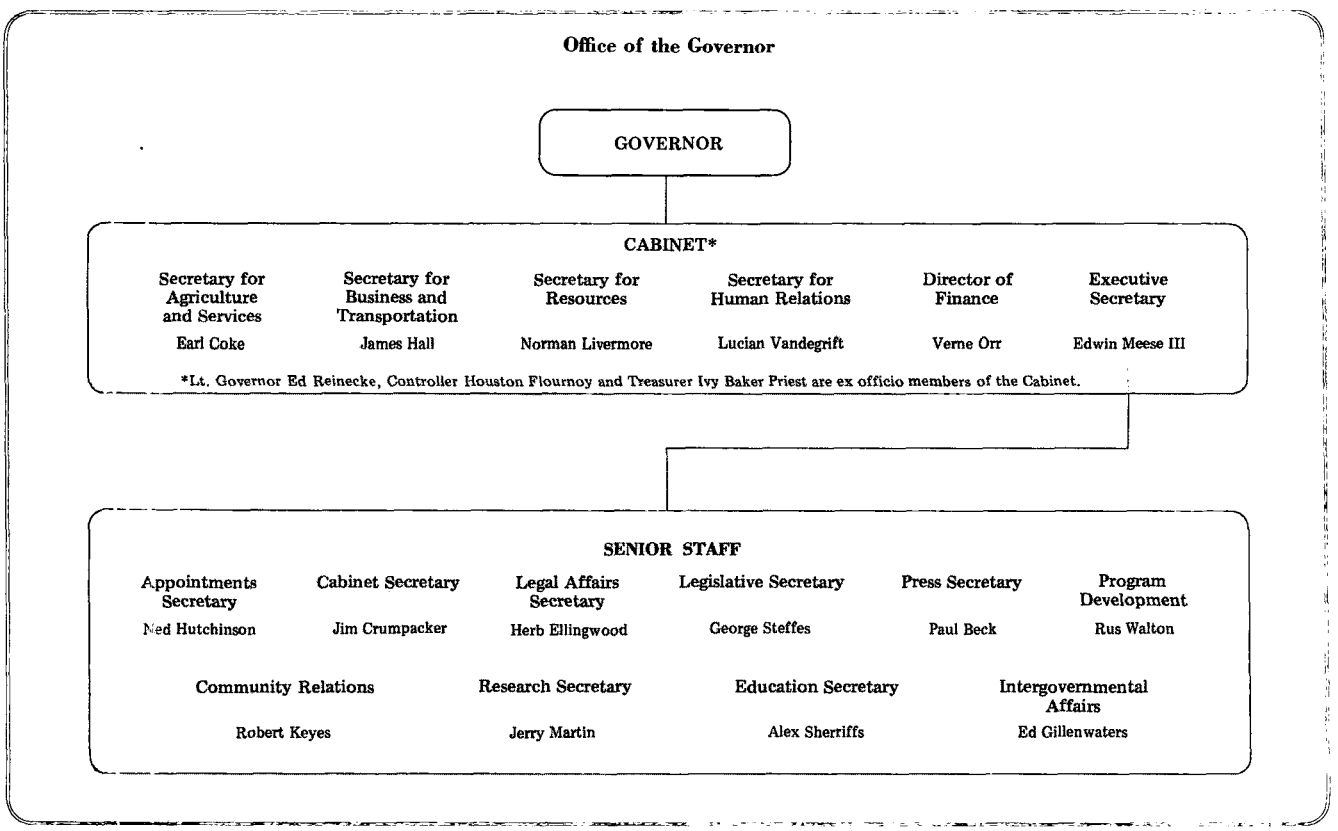
Although Coke, a former vice president of the Bank of America and a onetime assistant secretary of Agriculture in the Eisenhower administration, attended cabinet sessions as the Director of the Department of Agriculture, he was not given responsibilities for overseeing other departments until the Agriculture and Services Agency was created in 1968. In addition to his responsibilities as coordinator for the loose confederation of departments and boards under his direction, Coke played a major role in organizing management responsibilities for most of 1969 as the Governor's Assistant for Cabinet Affairs.

Hall, who has been a part of the administration since early in 1967, joined the cabinet only this year as Business and Transportation Secretary. Prior to that time Hall had served as Superintendent of Banks, thus heading up one of the departments which make up the agency he now oversees. Hall, an attorney who graduated from the University of California School of Law, replaces Gordon Luce, a partner in the San Diego law firm Hass was associated with before coming to Sacramento.

The other newcomer to the cabinet is former Butte County District Attorney LUCIAN B. VANDEGRIFT who was appointed to the cabinet as Secretary for Human Relations to replace ex-Santa Clara County Counsel Spencer Williams when he left the administration to make a second bid to become the state's Attorney General. Vandegrift, who joined the cabinet at the same time as Hall, previously served as Assistant Secretary to Williams (since March of 1968). Like Hall, he is a graduate of the University of California School of Law and served for a time in the office of the Attorney General before returning to Butte County.

"The cabinet," according to Meese, "is where you have the combined advice for a variety of people all looking at the issues from a number of different vantage points." Normally this takes place at twice-weekly cabinet meetings, but under some circumstances, such as when the budget is being prepared, the cabinet may meet almost continuously. Issue memos, which are often called "mini-memos," are presented to the cabinet by one of the six members. Memos from departments must come to the cabinet through the appropriate secretary. Often the department head will also come before the cabinet to make a presentation on the memo he has submitted for decision. Issues which come to the cabinet from the Governor's personal staff are submitted through the Executive Secretary.

The goal of the cabinet system has been to separate the cabinet secretaries from the departments and reestablish the department heads as the directors of operations. The change is designed to free the secretaries from the burden of the administrative detail of the department so that they can serve as advisors to the Governor. "This has provided the Governor," contends Meese, "with the ability to be the decision-maker."



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## Reagan's Staff

# The Men Behind the Governor

There are ten men in the Governor's office who are considered the senior staff. On the organization chart they report to Executive Secretary Edwin Meese III. On a day-to-day basis, however, they report in staff sessions ususally attended by the Governor, or they meet directly with the Governor as needed to carry out their duties.

In addition to their individual responsibilities the members of the senior staff advise the Governor on alternatives for administration policy. They hold at least three staff meetings a week, frequently more, and attend cabinet sessions. "We may be at the point where we meet too much," says one.

Three of these positions are critical in any administration and they have proven to be so for Reagan. Appointments to office, are usually the first problems to confront a chief executive. The Governor must achieve the delicate balance between being responsive to his party supporters and finding qualified people who will be above criticism. Legislative liaison and press relations are the other two spots on the staff which are instrumental in getting the Governor's message across to the Legislature and the public.

The Reagan administration has elevated two additional positions to new importance. The crisis on the university campuses, an issue Reagan "discovered" in his 1966 election campaign, has become a dominant one in his administration involving virtually everyone on the staff, and upgrading the importance of the Special Assistant for Education. The other position which has come into prominence in this administration did not even exist before as a unit in the Governor's office. This position is program development secretary, and it was established to give Reagan's idea man Rus Walton a unit to work with in developing ideas for Creative Society programs.

### Appointments

NED HUTCHINSON, 39, a native of Chicago and graduate of Stanford University, came to the Reagan administration after serving as the San Meteo County chairman for the Governor's campaign. He was appointed to the post of Deputy Director of the Department of General Services and served in that capacity until February, 1968, when he was made a special assistant to the Governor with responsibility for implementing some 1,483 recommendations which were made to the Reagan Administration by businessmen's task forces.

In March of 1969 Hutchinson became Appointments Secretary filling the vacancy left by Paul Haerle who returned to private law practice after a year in the administration. Hutchinson describes himself as having principal responsibility for being the custodian of the information on the available talent and the vacancies and providing the Governor with recommendations for the right individual for each post.

The 4,000 appointments which Governor Reagan will have made by the end of this term in office range from the non-statutory advisory boards all the way up to appointment of the Chief Justice of the California Supreme Court.

"In 99 percent of the cases I make a recommendation," says Hutchinson, "which is accepted by the Governor." He meets with the Governor on a weekly basis and takes about ten recommendations to the Governor at each session. Having worked with all departments in implementing the task force recommendations, Hutchinson came to the job with a fair degree of knowledge of the requirements of each agency.

About 60 days prior to the time a vacancy needs to be filled, he starts the talent search. In some cases a number of people may have already written to the Governor requesting an appointment. All such requests are referred to him, and Hutchinson notes that the Governor has never made a recommendation to him on any of them. Next he goes to the department head and discusses the needs of the job. He also tries to find out if there is any legislative interest in the job which should be taken into consideration, or whether there are interest groups, such as labor or the education community, which want to be consulted on the appointment.

"The next step," Hutchinson explains, "is to eliminate categories." For instance, if they have decided they need a Democrat for an appointment, he would eliminate all Republicans, or if there is some ethnic consideration for the post, he will eliminate all other applicants who don't fill the requisite description.

"At the end of this process I can usually decide on a candidate to recommend to the Governor," Hutchinson says.

Hutchinson presents his recommendation to the Governor in a memo which lays out the description of the job and the applicant and contains the concurrence of the appropriate department head and legislators. When there is a difference of opinion the memo points out who will be opposed to the applicant.

When asked about the question of partisanship in the appointments, Hutchinson replied that that question almost answers itself, "Ninety percent of the applicants are Republicans."

Because he was aware of the problems that his predecessor had with some legislators over failure to notify them on appointments in their districts, Hutchinson is very sensitive to the need to notify them in advance: "There is no worse sin that an appointments secretary can make than for a legislator to learn after the fact about an appointment that he is interested in."

### Legislative

GEORGE R. STEFFES, 35, a public relations executive who went to work on the Reagan campaign in Southern California at the request of then-State Chairman Phil Battaglia carries responsibility for liaison to the Legislature. One of the few members on the Reagan campaign staff with prior experience in Sacramento (he had directed the research program for Republican Associates of Los Angeles), Steffes volunteered to prepare for the transition to the new administration. After the inauguration his first position was as assistant legislative secretary when the Governor instituted the unique practice of appointing a liaison secretary each for the Senate and the Assembly.

The Reagan administration later dropped the plan of having one secretary for each house. Since then Steffes has



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been Legislative Secretary for the entire Legislature. Now, according to Steffes, "lobbying is a small part of what we do." A great majority of his time, he indicated, is taken up with what are largely constituent problems and ceremonial duties of the Governor. His duties include the mechanics of bill analysis and tracking bills through the legislative process. The volume of the analyses alone ran to 40,000 sheets of paper for the last year that they counted.

Steffes feels that the Governor's relations with the Legislature have improved substantially in the past year. He points out that this results from a number of factors. First, the administration got off to a bad start in great measure because of "wrong attitudes" toward the Legislature, and the fact that the Governor's time on legislative matters was spent largely by reacting to whatever came along. "We now spend more time," Steffes points out. "At least two hours out of a day are devoted to time with legislators and my job is to make sure that the Governor sees everybody that he should."

Second, the fact that the Governor now has a majority in both houses has prompted changes. The conference which the Governor had prior to this session with the Speaker of the Assembly and President pro Tempore of the Senate was a "sign of that change and not a cause," says Steffes. "There has been change on all sides."

**PAUL BECK**, 38, was a reporter for the *Los Angeles Times* before joining the Reagan Administration as an Assistant Press Secretary. Beck took over the press operation after the departure of Lyn Nofziger at the time that the communications section over which Nofziger had presided was dismantled and a new program development section to be presided over by Rus Walton was created.

The change was ordered by outgoing Cabinet Secretary Bill Clark, who said, "a real veil has sometimes been drawn" over the affairs of the departments which were required to "clear it with Lyn" before making public statements. Nofziger had also carried the title of Communications Director, a Cabinet-level position, and the change downgraded the press unit to the same level as other staff positions.

**DR. ALEX C. SHERRIFFS** is a professor on leave from the University of California at Berkeley where he was vice chairman of the Department of Psychology. Prior to that time he served as Vice Chancellor for Student Affairs. As the Special Assistant for Education, his responsibilities include advising and assisting the Governor in handling problems in education from pre-school through higher education and maintaining liaison with the agencies of state government which have responsibilities in education. The Department of Education, headed by a constitutional officer, Dr. Max Rafferty, is one of two departments of state government which are not directly represented on the Reagan Cabinet. Thus, Dr. Sherriffs is responsible for coordinating and maintaining liaison with that department.

**RUS WALTON**, 48, a former public relations executive and newspaper publisher, was asked by the Governor directly to take a position in his administration. Walton, one-time staff director for the conservative United Republicans of California, had been active in the 1966 Goldwater presidential campaign in California. Walton indicates that he was not directly involved in the 1966 campaign effort but that the Governor called him and asked him to serve in the administration policies on human relations, education and law enforcement.

When the program development unit was announced, it was a formalization of the unit that had worked on the Creative Society papers. It also marked a shift in the assignment of speech writing responsibilities. Walton's unit reflects a dual responsibility in developing ideas for the Governor and the departments and at the same time working on major speech writing efforts and preparing the television reports to the people. "Mine is a pretty unstructured job," says Walton. "Everyone tells me 'You're free to do whatever you please.' The difficulty is finding time to do it."

**JAMES J. CRUMPACKER**, 39, joined the Governor's staff early in 1967, first as Assistant Appointments Secretary, and, until his appointment to the post of Cabinet Secretary in November of 1969, he served in Rus Walton's Program Development unit. Crumpacker was formerly a communications specialist for business and before joining the administration worked as an advertising account representative.

In his duties as Cabinet Secretary, Crumpacker is responsible for handling communications from the cabinet, as well as the routing of general correspondence received by the Governor to the appropriate agencies for response. He is the fourth person to have cabinet affairs responsibilities in the Reagan Administration.

**ROBERT J. KEYES**, 33, has served as a special assistant for the Governor since joining the administration in 1967. Before joining the administration he was an insurance agent in San Diego and former professional football player. His community relations responsibilities are primarily in the field of human relations and the handling of minority problems.

**EDGAR M. GILLENWATERS**, 38, who served as administrative assistant to California Congressman Bob Wilson, began as the Reagan Administration's special assistant in Washington, D.C., formally with the title of Deputy Director of Finance. With the growth of federal grant programs and the increasing role of the state in approving federal grants for local government, the Reagan administration brought Gillenwaters to Sacramento to provide coordination for the Governor's office over these programs. One of the prime responsibilities that has occupied the administration in this area is the exercise of the Governor's veto over economic opportunity grants.

**HERBERT E. ELLINGWOOD**, 39, is a graduate of Stanford Law School and before coming to the administration served as the legislative representative for the State Bar. He filled the vacancy left by Ed Meese when Meese was elevated to the post of Executive Secretary. Like Meese, Ellingwood served as a Deputy District Attorney in Alameda County and is the other member of the Senior Staff who is responsible for maintaining a liaison with the constitutional agencies, in this case the Department of Justice and the Attorney General. He has responsibility for coordination with the law enforcement community and specific responsibility for handling clemency and extradition duties. In addition, he is also responsible for the state's emergency planning.

**JERRY MARTIN**, 37, was a political writer for the *Oakland Tribune* before joining the administration in April 1969 as the Governor's Assistant Secretary for Research. Martin is considered a member of the senior staff and is frequently asked to provide the supporting research for administration positions. If the work of the program development unit is strategic, then the research Martin is called upon to provide is tactical. He identifies and brings to press briefings those news events on which the Governor might be asked to express a position.



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INTERVIEW

# Reagan's Top Staff Aide

*Edwin Meese III, Executive Secretary to Governor Reagan, holds the top staff position in the Governor's office and serves as a member of the cabinet. The following interview with* California Journal, *which has been edited to fit these pages, was conducted June 22nd.*

*Journal:* What exactly are the functions of the Executive Secretary?

*Meese:* The main job of the Executive Secretary is to make sure that everything is running well. If you have no major flaps within the Governor's office and within the official family, you know that things must be working fairly well. Our job is basically to prevent clashes or people feeling that there's no communication.

In order to do this I feel the most important thing for me to do is to see to it that first the right people are in the right jobs, second that the important things are getting done and if anything is not getting done to call attention to that, third to promote communication as widely as possible with the staff, the cabinet, the department heads and with the Legislature, and finally, to make sure the Governor is getting information from as many vantage points as possible. If I can accomplish these four objectives I think this is the most important thing. It's kind of like being the coach in a football team and making sure that you've got the right person in the right position and that the right plays are being called.

*Journal:* How is policy formulated within the Governor's office?

*Meese:* Well, I would say that ideas on what policy ought to be come from a variety of sources. The important thing is that once we identify an issue, to make sure that it is handled in the regular course of business; to make sure that a policy issue gets to the Governor at a cabinet meeting where everybody has the opportunity for their input, where the issue is fairly presented and all the alternatives are available to the Governor, and where he has a maximum of information concisely organized, so that he's not deciding policy on only partial information. There are two or more sides to almost every issue in government and it would be unfortunate if the Governor only got part of the facts, had to make up his mind on the basis of only partial information. I think all of us in the cabinet, as well as the members of the staff, feel responsibility for an orderly policy-making process but I feel it particularly keenly.

*Journal:* So it's at the cabinet meetings that most of the Governor's policy decisions are made?

*Meese:* That's right, the cabinet is the central focus of policy-making and recommendations of policy decisions to the Governor. We try to utilize the cabinet meetings and the cabinet system in that form so we don't have people trying to make policy by getting the Governor in a situation where he only gets the facts they present.

For instance, there used to be a problem that people always thought it was of some particular advantage in getting policy made to get to sit next to the Governor on the airplane, because you had an hour of uninterrupted time in which to plead a case. I think we've pretty well done away with that because they know that whatever the issues might be, they can have it out in the cabinet meeting, that everybody can have a chance to be heard. Then, also, when a statement is made everybody knows what the decision is.

*Journal:* It appears that primarily policy making is at the agency level rather than at the department level.

*Meese:* Yes, and I think the problem is that you can't have people who are responsible on a full time basis for administering departments and at the same time also assisting the Governor as advisers and policy makers. It's impossible to be two places at once. And, so what has happened is that people have either done one or the other to the detriment of one of the two functions.

California, since 1967 with the development of the cabinet concept, has tried to re-establish the authority of the department directors to make these decisions. They are the important people in the management and administration and operation of their departments. At the same time the agency secretary, whom we renamed from agency administrator to get away from any concept that he should administer, is the policy adviser to the Governor. Thus we have a separation of the systems for the administration, on the one hand, and policy assistance to the Governor, on the other.

Now this doesn't mean that the department head is cut off from policy-making because he does initiate the policy issue memos relating to his department. He also has the opportunity to see the Governor at the cabinet meeting. The cabinet works as a corporate body where you have the combined advice of a variety of people, all looking at the issues from a number of different vantage points. We think that in this kind of give-and-take you get the best possible advice for the Governor.

*Journal:* Where there is conflict within an agency, does the cabinet become involved?

*Meese:* Sometimes yes, sometimes no. If differences between departments, say, in the same agency can be reconciled without a decision from the Governor, and where everybody agrees that this is the best course to follow, then that, of course, is done. If it's a policy issue that has not yet been decided on which there are two irreconcilable points then the agency secretary will bring those views to the Governor with the arguments on both sides of the position. At the cabinet meeting the Governor himself has to decide.

*Journal:* Is it possible for a department head to bring an issue to the cabinet without going through the agency secretary?

*Meese:* No. The agency secretary is the conduit for executive decisions and information for the Governor, but again he has a responsibility which we all feel very keenly to make sure that we're not stifling a department head's point of view simply because we don't agree with it. And also, I might add, there is frequent contact between the Governor and the department heads at briefing meetings,



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luncheons, and this sort of thing. So it's not as though the Governor could be really sheltered from a particular point of view.

*Journal:* Have the meetings of the cabinet changed during the last few years?

*Meese:* I think they've changed in the sense that they've become definitely more important in a couple of ways, both substantively and procedurally. Substantively, I think they've become more important.

More matters have been added to the decision-making role of the cabinet function. For example, in the first year or two the cabinet concerned itself with those things pertaining to the various departments within the executive branch.

Now, I think to a much greater extent they've been able to be of assistance to the Governor in determining policy on a broader basis. For example, rather than leaving budget formulation solely within the providence of the Department of Finance, it is now a team effort of the entire cabinet. And again in making recommendations to him on legislative matters — particularly at the end of the session when the difficult bills come down which have to be either vetoed or signed — the cabinet is available along with the senior staff. So this means that the cabinet has become more important substantively as *the* focal point for decision-making, and more types of decisions are included in the cabinet meeting.

Procedurally, also, I think that the cabinet more and more is considering broader concepts of policy. At first the cabinet, because these things were presented to them, sometimes got into the business of editing precise press releases on a particular subject or looking over and approving a specific letter. Now they spend most of their time deciding broad policy guidelines, and then a member of the staff or an agency a secretary decides whether a particular letter or a particular press release falls within the implementation of that policy.

*Journal.* To what extent is the Department of Education represented on the cabinet?

*Meese:* Well, there are two departments that are headed by constitutional officers who do not normally attend cabinet meetings. The Department of Education is one, the Department of Justice is the other. And in each case we have a specific liaison person from the Governor's staff who maintains a continuing liaison with them. In the case of the Department of Education, the Education Secretary, Dr. Alex Sheriffs, attends cabinet meetings, and maintains this link. Likewise, in the case of Justice, the Legal Affairs Secretary, Herb Ellingwood, maintains liaison with the Department of Justice and the Attorney General. So it works out that they really do have communication with the cabinet and the cabinet process.

*Journal.* It is possible that the control of the administration over policy proposals by those departments might be somewhat less?

*Meese:* Oh yes, obviously, because they have constitutional officers heading them who have their own ability to communicate directly with the Legislature. But we do have good cooperation with both of these agencies, and so this has not caused any particular problem. Our people have made sure that this communication was carried on from our end.

*Journal:* Is it easier to work with the Legislature now that it is of the same party as the Governor?

*Meese:* There is no question that having both houses and the Governor all of the same party increases coordination of the leadership. The Governor meets regularly with the Speaker of the Assembly and with the President pro Tem of the Senate, and as a result you have a lot of accomplishments that wouldn't be possible if the persons holding these offices were members of the opposite party.

A good example is the tax reform program, which was a joint program established by all three officials — leaders of the two houses and the Governor, and when it went in you were obviously way ahead in its chances for potential success.

*Journal:* How does the third house relate to the Governor's office?

*Meese:* I think basically they would talk with the legislative section, they would make sure that their views were presented, many times in written form. On occasion, if there is something they feel they have to present personally to the Governor they have an opportunity to do so, or they may satisfy the communication needs by talking to a member of the staff who has a particular expertise in that field. Thus, the spokesman for the Public Defenders Association or the District Attorneys Association, or both, might well communicate through the Legal Affairs Secretary. Somebody from education, a lobbyist for the California Teachers Association or the California School Boards Association, would communicate through the Education Secretary, so that there is somebody either in the cabinet or on the staff that they have an opportunity to talk with as well as the legislative section and the Governor himself. So there's ample opportunity for them to communicate.

*Journal:* How is the problem of internal leaks and office security handled?

*Meese:* This is always a problem. Something that somebody says on the outside may be reported or pieced together inaccurately with other bits of information. The selection of these people is done pretty carefully, and I think we've avoided the kind of dissension where people don't feel that they're going to have an input to the Governor and that therefore they feel that they have to leak things themselves in order to get public attention. I think we've avoided leaks arising as a result of dissension within the official family. So many times I suspect almost accidentally information has come to the attention of the news media or it may have come out of some other source. But I'd say we've been relatively fortunate about leaks. And actually part of the reason is that the Governor exposes himself to the news media every week almost without exception and answers any question they might have, so there hasn't been quite the need for skulking around trying to figure out what's going on. And we've tried to make this an open administration in terms of letting the public know what's going on, why we're doing it, what we're doing, and what the problems of the state are, including our financial problems. We feel that this improves the public's knowledge of government and of our objectives and accomplishments.



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LEGISLATURE

# Houses Rewrite Governor's Budget

As the last days of June slipped by, a six-man conference committee of Senators and Assemblymen was attempting, in the short time available to it, to rewrite the state's $6.5 billion budget for fiscal year 1970-71, which begins July 1. At the time of this writing little is known as to the probable outcome of the committee's work. It is known, however, that not within the past 10 years has the budget bill required such extensive last minute rewriting by a conference committee.

The Assembly's version of the budget bill, AB 525 (Lanterman), moved from the subcommittees to the full Ways and Means Committee over a period of several weeks in May. Ordinarily the subcommittee reports to the full committee represent the heart of the Legislature's work on the Governor's proposed budget, although the reports themselves may conceal nearly as much as they reveal about the intentions and expectations of the legislative leadership. This year, however, the importance of the subcommittee reports is much more limited than usual because of the manner in which the budget bill was amended on the floor of the Assembly and Senate and because of the unusually large responsibility which fell to the conference committee at the end of the budget process.

## Assembly Budget Changes

In adopting the subcommittee reports, the full committee agreed to a net reduction in the budget totaling $6.7 million. Among the principal actions adopted by the committee were: an increase of $352,044 for Court of Appeals staff; an increase of $1,114,131 for a state data processing service center; an increase of $306,000 for the School for the Deaf, Riverside; deletion of $531,186 for support of the Coordinating Council for Higher Education; a reduction of $544,742 in University support; a net reduction of $1,529,018 in state college support; an increase of $1,600,000 for educational opportunity programs; a reduction of $1,268,000 in Medi-Cal administration; an increase of $2,215,046 for industrial relations staff; and an increase of $1,304,150 for Medi-Cal service costs.

By the time the Ways and Means Committee had completed its work, the total budget was $16.7 million less than when it was introduced in February. The further reduction was a consequence of last minute action by the committee to delete $10 million budgeted for a state college faculty salary increase, the same 5% increase that other state employees are to receive. The bill moved from committee to the floor on May 26 for adoption of the committee amendments, and this was accomplished on May 27.

The Senate's version of the budget bill, SB 297 (Grunsky), moved to the full Finance Committee at about the same time but was kept under wraps until after the June primary recess. The Finance Committee adopted several changes similar to those which had been approved by Assembly Ways and Means plus a number of others; however, the subcommittee recommendations soon became lost in subsequent actions in the Senate Finance Committee and on the Senate floor.

Before the Assembly passed its version of the bill over to the Senate, and before the slower moving Senate Finance Committee had passed its bill to the Senate Floor, Governor Reagan intervened with a message which negated much of the work the two houses had accomplished up to that point. The essence of the Governor's message, delivered by his Director of Finance, Verne Orr, was that the budget as he had originally submitted it was out of balance by $141 million. From January, when the budget figures had been drawn up, to June, expenditure estimates had increased and revenue estimates had declined to an extent which had been unforeseen by the administration.

## Warned of Deficit

This imbalance was not unforeseen by Legislative Analyst A. Alan Post who much earlier warned that the administration's method of estimating revenue would get it into trouble *(California Journal*, February 1970, page 44 and May 1970, page 139). And the Governor himself reportedly knew of the problem in May but postponed his announcement until after the June 2nd primary election. Customarily a revised fiscal estimate is given to the Legislature's fiscal committees in May so that they can make appropriate adjustments in their budget figures. It also has been customary, for a period going back into the Brown administration, for the Governor to announce at this time that revenues will be higher than expected, rather than that there is an impending deficit. Nevertheless, the official report this year was held back until after the budget hearings had been completed.

The Reagan administration blamed the projected deficit on rising welfare and education costs, as well as on declining revenues, and suggested that the offsetting spending cuts might also be made in those two areas. Specifically, Orr reported that new revenues would be down $28 million, persnal income tax revenues would be down $63 million, and sales taxes would be off by $3.5 million as compared with earlier budget estimates. Other revenues and transfers were forecast to be $23.5 million higher than earlier anticipated, producing a net revenue reduction of $71 million. (A subsequent report by the Legislative Analyst indicated agreement that revenues would be down but by $15-25 million more than the revised Department of Finance estimates.)

## Cost Increases

With respect to expenditures, the administration's revised figures indicate an unanticipated increase of $30 million in Medi-Cal costs and approximately $40 million in welfare costs. The increase in welfare costs was apparently attributable in part to increased caseload ($21 million) but also to a $8-9 million shift from federal to state support and to $9-10 million in unanticipated costs resulting from recent court decisions.



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Orr noted that the deficit could be reduced to $100 million by using up the 1969-70 budget surplus of $41 million. He then recommended a series of steps to offset that amount, including: adoption of $15 million in budget cuts requested earlier by the administration; savings of $19 million by deletion of University and state college faculty salary increase funds; a reduction of $20 million General Fund support for higher education construction; savings of $3 million by deletion of state support for the UC Academic Senate and greater payments from federal contracts with UC; a reduction of $21.5 million in welfare expenditures by reduction or elimination of various allowances to recipients and a $5.5 million in unjustified welfare payments; $4 million from federal funds for children's care centers; and other budget cuts totaling $15 million, including cuts of $4 million in flood control, $1.5 million in textbook printing, $2.5 million in park development funds, and $3.5 million in fair funds.

The Governor in his press conference the next day commented that these were merely the administration's suggestions and that other equally acceptable alternatives might occur to the Legislature. But repeated references to "runaway welfare costs", "welfare abuse", and "overly restrictive and unnecessarily costly" federal welfare regulations, by both Orr and Reagan made it clear as to where, in their opinion, the blame should be laid and where the budget cuts should be made.

## Assembly Passes Unbalanced Bill

After hearing the Governor's report, Ways and Means Committee Chairman Lanterman asked the Assembly to send the budget bill back to his committee for rewriting, but the Democrats, who are outnumbered 8-11 on that committee, refused to agree. Then, on June 11, in a surprise action, Lanterman moved to send the Assembly bill to the Senate as it was, without correcting the deficit. This motion caught the Democrats without a caucus position and the bill was passed with 54 votes.

SUMMARY OF ASSEMBLY BUDGET ACTION
JUNE 11, 1970

| | General Fund | Total Budget |
|---|---|---|
| Budget as Submitted | $4,796,888,577 | $6,480,325,654 |
| Administrative Changes Approved | +1,233,919 | - 2,414,184 |
| Assembly Initiated Changes | -9,375,064 | - 14,274,795 |
| Net Total | $4,788,747,432 | $6,463,636,675 |

SUMMARY OF SENATE BUDGET ACTION
JUNE 17, 1970

| | General Fund | Total Budget |
|---|---|---|
| Budget as Submitted | $4,796,888,577 | $6,480,325,654 |
| Itemized Senate Changes | +115,294,656 | +140,066,839 |
| Across-the-Board Cut | -105,502,583 | -112,762,422 |
| | $4,806,680,650 | $6,507,630,071 |

The Senate had held its bill in committee awaiting the Governor's report. Having received that message and after hearing from the administration and the Legislative Analyst as to suggested budget-balancing cuts, the committee decided upon a simple 1.4 percent "across-the-board" reduction in General Fund spending to put its bill in balance. This amendment to SB 297 was adopted on the Senate floor June 10th. No further action was taken by the Senate on its own bill (which was put on the inactive file), as the Senate received the Assembly's bill on June 11th.

As is customary, the Senate's first act upon receiving the Assembly's bill was to send it to the Senate Finance Committee which amended out of it everything the Assembly had done and put in its place everything the Senate had done in its own bill. Thus the Senate's across-the-board General Fund reduction became part of the Assembly bill. These amendments were adopted by the Senate June 12th. Senate Democrats then notified their Republican colleagues that the measure would go no further without some provision for increased school aid which Democrats in both houses have insisted is essential for passage of the budget this year. The Republicians, who have only 21 votes in the Senate and needed 27 to pass the bill out, agreed to an inter-party discussion of the issue.

## Senate Adds School Money

A special six-man Senate committee was formed with three members from each party to work out an agreement. This committee agreed to add what was represented to be $136 million in increased school aid to the budget bill. Their recommendation was approved by both party caucuses and amended into AB 525 on June 16th, together with an offsetting increase in the across-the-board cut from 1.4% to 2.25%, $72 million in additional itemized cuts recommended by the Analyst and $32 million in fund transfers. In a separate action the Senate also agreed to an amendment by Senator John Schmitz (in exchange for his vote for passage of the bill) which eliminated the 5% state college salary increase funds from the bill, for a further savings of $10 million. This duplicated action previously taken by the Assembly and led observers to feel that the cut might be more than just a threat or a negotiating item between the two houses as had been reported earlier.

On June 18th, AB 525 was sent back to the Assembly which, as is customary, refused to concur in the Senate's amendments, forcing the appointment of a conference committee to work out the differences between the two houses. The conference committee was duly appointed, consisting of Senators Grunsky, Lagomarsino and Teale and Assemblymen Lanterman, Mulford and Porter. The Assembly delegation, chosen by Speaker Bob Monagan, represented a break from tradition in that Robert Crown, Democratic Vice Chairman of Ways and Means, was not included. Several Assembly Democrats promptly threatened that Monagan's choice could cost him their votes on the conference report.

The principal threat to a budget compromise, however, was the issue of school financing. Although the Senate Democrats agreed to the $136 million increase which was worked out by negotation in their house, Assembly Democrats have demanded substantially more. Governor Reagan has said that he will agree to an increase of $70 million, providing no increase in taxes is required. That, of course, is the problem — how to increase school support in an extremely "tight" budget without raising taxes.



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# Bills Aid Disordered and the Handicapped

A package of eight bills — AB 2402-2409 (Lanterman and Duffy) — to improve the delivery of services to mentally disordered children and handicapped persons appears well on its way to legislative approval with the backing of mental health groups throughout the state. The changes will strengthen and integrate service programs for the handicapped at the community level.

The prime author of this legislation, Assemblyman Frank Lanterman, chairman of the Ways and Means Committee and the Assembly Select Committee on Mentally Ill and Handicapped Children, said the purpose of the package was to "get a little more flexible in our program concepts. We have to improve the flow of services to the child, and that means letting the dollars flow with the child into a wide range of public and private programs to meet his individual needs." Assemblyman Lanterman was author of the Lanterman-Petris-Short Mental Health Act of 1967, which instituted a sweeping reorganization of services for the mentally ill, and of the California Mental Retardation Services Act of 1969, which reorganized services for the retarded.

## Napa Hospital Incident

The current legislation was sparked by an incident involving a homosexual assault at the Napa State Hospital Children's Unit which received front page publicity last July. The Assembly moved quickly in response to public concern by establishing the select committee chaired by Lanterman at the close of the 1969 legislative session.

The committee broadened the scope of investigation beyond the Napa incident to review all services for mentally disordered children, as well as California's programs for the handicapped. The committee contracted with the firm of Arthur Bolton Associates for a six-month study resulting in a 227-page report documenting the serious obstacles facing the handicapped in California.

## Study's Findings

- The study report found:
  Although almost $800 million in public funds are spent on a combined caseload of over 900,000 handicapped Californians, the system is incredibly chaotic and disorganized. There are seven state departments administering 39 distinct programs. Eligibility for these programs is governed by a total of 14 different age requirements, 11 different residence requirements, 14 separate financial means tests, 25 different diagnostic categories, and a mass of miscellaneous requirements ranging from parental consent to prohibitions against "seeking alms".
- Few evaluation or followup studies are done to shed light on the effectiveness of these vast expenditures.
- The handicapped are often isolated in segregated programs for each type of handicap, thus increasing the duplication of costly services and decreasing the chances of the handicapped to lead normal lives.

With regard to mentally disordered children, the study reports the following:

- A critical shortage of community-based preschool and special education programs, counseling to families, and day care programs has resulted in the placement of many disordered children out of their homes.
- For those children placed in foster homes or state institutions, the study found numerous inadequacies. Foster homes were found to be either unavailable or incapable of coping with emotionally disordered children. As for the state hospitals, the study confirmed findings of a recent investigation by the California Mental Health Association that state-operated programs, although costing $1,000 per month, are seriously deficient in program, facilities and organization.
- One unexpected finding was that despite 13 years of operation, Short-Doyle departments are providing very little for children and adolescents in many counties.

In addition to the eight bills described below, the report contains 16 recommendations for administrative action. (Copies of the report can be secured for $2.00 by writing Assemblyman Frank Lanterman, State Capitol, Sacramento.)

The eight bills are:

A.B. 2402 — In order to encourage the development of family care homes for children, this bill would allow family caretakers serving mentally disordered youngsters to be paid more than the current $160 set in the statute.

A.B. 2403 — Because mentally disordered children are currently excluded from the program of the state's child development centers, this legislation would permit the initiation of pilot programs in one or more development centers to test the feasibility of serving 40 disturbed children over a one-year period.

A.B. 2404 — In order to provide institutionalized disturbed children with needed educational services, this bill would mandate the provision of instruction under the educationally handicapped program for children in regularly licensed non-profit institutions who are unable to function in a public school class.

A.B. 2405 — In order to test the feasibility of using the Regional Centers for the Retarded as a mechanism for serving *all* handicapped, this bill would allow the Department of Public Health to seek federal funds to establish one pilot center to serve an additional 100 handicapped persons over a one-year period.

A.B. 2406 — The restrictive nature of zoning practices in various parts of the state have prevented the development of community residential facilities for all handicapped persons. This legislation would declare the Legislature's intent that such zoning practices should not be used to discriminate against certain individuals solely on the basis of a handicapping condition such a mental disorder.

A.B. 2407 — Current diagnostic services for disturbed children are fragmented among various community agencies. This bill would require the Department of Mental Hygiene to designate one Short-Doyle program to demonstrate the feasibility of providing a central diagnostic resource for children presently diagnosed in other county agencies.

A.B. 2408 — This bill would require each county Short-Doyle plan separately to specify a five-year projection of the county's need for services for mentally disordered children in order to aid planning in this critical area.

A.B. 2409 — In order to draw attention to programs for disturbed children, this legislation declares legislative intent that special consideration be given to children's services in the funding of county Short-Doyle programs.



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# Women's Legislation Chances Improved

For the first time in four years there appears to be a glimmer of hope for significant legislation to promote equal status for women under California law. The improved prospects are due in part to increased militancy on the part of advocates for reform and in part to increases activity at the federal level to extend equal opportunity in employment.

In Washington the 13-member President's Task Force on Women's Rights and Responsibilities has urged a "national commitment to basic changes that will bring women into the mainstream of American life." President Nixon has assumed a positive stance for his administration on behalf of women's rights by issuing guidelines designed to eliminate discrimination against women in jobs under federal contract. The Nixon guidelines, recommended by the task force, prohibit federal contractors from discriminating against women in the matter of wages, hours, seniority, and retirement. The guidelines also provide for maternity leave and prohibit contractors from classifying help wanted ads under "male" or "female" unless sex is a "bona fide occupational qualification."

## Employment Discrimination

In California over 20 bills have been introduced to eliminate discrimination in employment and higher education and to enlarge the scope of child care facilities. The most important of the measures, AB 22 by Assemblyman Charles Warren, would amend the Fair Employment Practices Act to prohibit discrimination in employment because of sex. Both the 1967 and 1969 reports of the state Advisory Commission on the Status of Women recommended such an amendment, and women's groups have been optimistic that the bill might have the needed votes this year (the fourth year it has come up). The bill sailed through the Assembly, but hit a snag in the Senate Finance Committee.

Strong opposition in the third house, primarily on the part of the California Conference of Employer Associations, encouraged Senate Finance Committee chairman Donald L. Grunsky to offer an ambiguously worded, but clearly crucial amendment over the objections of the bill's author. The amendment provides that the bill, in addition to prohibiting discrimination in employment on the basis of sex, would "supersede all acts relating to sex in conflict herewith." This provision would apparently have the effect either of repealing all of the state's protective labor laws (which established minimum wages, maximum working hours and limits on weights which may be lifted by female workers) or extending these protections to men. Either interpretation presents serious problems for the bill. Eight of the committee's 13 members nevertheless voted for the amendment.

## Protective Labor Laws

Traditionally the subject of protective labor laws for women has been a sticky one. To date, the Legislature has not moved to do anything about them, although there are several bills this session dealing with the subject. AB 1176 (Briggs) which would have deleted the maximum weight a female employee may be required to lift is dead. Assemblyman Alan Sieroty's AB 2467 would have extended the jurisdiction of the Industrial Welfare Commission, which is responsible for women's protective measures, to include men. That measure died in the Assembly Labor Relations Committee June 25th following two interim hearings on the subject of the protective labor laws in which the committee could not find enough areas of agreement to come up with specific recommendations.

There is also a great deal of division among women's rights leaders on this issue. A few urge elimination of all the laws. Many favor modifying present labor laws to make their provisions less specific — for example by prohibiting employers from requiring "unreasonable" lifting by female employees. Several women's groups (including the Business and Professional Womens' Clubs and the Advisory Commission on the Status of Women) favor extension of protective legislation — either as is, or preferably in modified form — to men as well. On the other hand, labor unions representing low-income women workers are seeking to retain the existing protections.

Because of the division of opinion over what to do with protective labor laws, amending a major change into the law — especially a change which is so ambiguous in its impact — has had the effect of throwing into disarray those who favored AB 22 as introduced. In her newsletter, "Skirting the Capitol," Marion Ash has described the bill as "a walking zombie — dead but still moving." Senator Anthony Beilenson, who will carry AB 22 on the Senate floor, says he now has "no idea" what will happen to it. Senator George Moscone has stated, however, that he will offer amendments on the floor to restore the bill to its original form.

## Child Care Legislation

The 1969 Advisory Commission on the Status of Women report stated that the "single biggest problem of the working mother — at all economic levels — is adequate care for her children." In response to public demand for more child care centers with better educated staff members, three major child care bills are before the Legislature this year.

An omnibus child care bill, AB 750, has been introduced by Assemblyman Jerry Lewis. The 21-page Lewis bill would give to the State Department of Education administrative jurisdiction for current and proposed pre-school and child care programs which are supported by state or federal funds. The bill also sets up the mechanism for getting added federal funds to be used for pre-school programs and for enriching and expanding child care facilities.

Another bill relating to child care centers, SB 79 by Senator Tom Carrell, has a good chance of passage. The bill revises the eligibility standards for mothers using a children's center to allow for cost of living raises in the income ceilings.

The subject of discrimination against women in higher education is treated in a package of bills introduced by Senator Mervyn Dymally, who sees a relationship between discrimination against blacks and discrimination against women. The package of bills (SB 907, 908, 909, 1072, 1073, 1147, 1148, 1203, and SCR 54) was taken under submission by the Senate Education Committee after a brief hearing in late May. Dymally and others supporting the bills pressed for and have now received assurance of a full evening rehearing of the bills in early July.



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# Consumer Bills Are at Crucial Stage

It is still too early to tell whether consumer legislation introduced with much fanfare in January, February, and March will still be alive during the hot summer months of July and August when the going gets toughest for this kind of bill in the halls of the Capitol.

Among the more fundamental measures affecting consumer interests are those that would reorganize the Department of Professional and Vocational Standards. Senator Alfred Song's reorganization bill, SB 330, has undergone extensive amendment since its introduction (see *California Journal*, Feb. 1970, page 53.)

In the Assembly, however, Democrat Alan Sieroty's AB 2252 has been merged into Republican James Hayes' AB 2366. The bill is now tied to Governor Ronald Reagan's Reorganization Plan No. 2 which adds an additional public member to the professional licensing boards, changes the name of the Department of Professional and Vocational Standards to Department of Consumer Affairs, and consolidates certain bureaus. In combination, the measures would significantly strengthen the powers of the department director to attack a variety of consumer problems. The Office of the Consumer Counsel would be eliminated under the Assembly bill, although it is still part of the reorganization plan. The question of the office's existence may be moot, however, since the budget may be passed without funds to support it. Opposition to the measures comes chiefly from professional groups who object to the dillution of their control over regulatory boards even though one more public member would still leave the industry representatives in the majority.

## Deceptive Practices

The Consumers Legal Remedies Act, AB 292, which is currently in the Senate Judiciary Committee after passing the Assembly 55-0, provides for class action suits or suits by individuals on behalf of themselves and all others who suffer one of 16 deceptive practices. Some consumer spokesmen have recently questioned the value of certain provisions of the measure relating to notification and identification of the members of the class and a statute-of-limitations on the filing of any suit. However, amendments at this stage of the session might harm the bill's chances in the Senate.

SB 11, by Senator Anthony Beilenson, which would establish an automotive dealer repair registration board and specify the duties and conditions for licensing of mechanics, may pass this session. Auto dealer lobbyist Kent H. Redwine has warned his membership that sentiment has shifted against them in the Legislature this session, and the Better Business Bureau's automotive division has almost despaired of promoting self-regulation. The bill is in the Senate Finance Committee.

## Warranty Protection

Senator Alfred Song's warranty protection measures, SB 272 and SB 436, appear to have a chance of passage as well. In combination, the bills strengthen the responsibility of manufacturers, distributors and retailers for the consumer goods they sell. The bills have passed the Senate and will be heard in the Assembly Judiciary Committee. Senator Beilenson's SB 1351 would require auto manufacturers to reimburse their affiliated dealers for labor, parts, and a resonable profit at a rate equal to non-warranty repair work. The Senator believes warranties will be better serviced when dealers are not making less money on warranty work than regular repairs.

Two major efforts to regulate California credit reporting firms which serve the retail and insurance industries, banks, loan companies, and the personnel departments of many corporations, are currently alive in the Assembly. Assemblyman Pete Wilson, a San Diego Republican, has made major revisions in his AB 149, now known as the Consumer Credit Reporting Act. Assemblyman Hayes has re-introduced a bill, AB 2367, which would establish a bureau in the proposed Department of Consumer Affairs to regulate and license the industry as well. Presently, neither bill covers the insurance industry which conducts more highly personal investigations of insurance policy applicants. Both bills, which have cleared the first committee hurdle, would allow credit applicants to learn what data are in their files and who placed it there, and to correct or add to erroneous or incomplete information.

## Privacy Legislation

Another measure introduced in response to the desire to protect individual privacy is Assemblyman William T. Bagley's AB 1982. The bill, based in part on the "computer bill of rights", is directed at the growing fear of computer privacy invasions resulting from additional collection and centralization of personal data by government agencies. Assemblyman William Campbell continues to push his three-bill package, AB 928-930, which would prevent general dissemination of license and registration information contained in the files of the Department of Motor Vehicles.

Among the few consumer bills which have passed both houses and been signed into law by Governor Reagan are SB 485 by Senators Marks, Alquist, and Cusanovich, and Assemblyman Knox, prohibiting tax consultants from selling or disclosing information taken from an individual's tax form without his approval and Assembly Speaker Bob Monagan's AB 433 requiring retailers and credit card distributors to respond to letters regarding accounts within 60 days or forfeit any interest, finance or service charges added since the date of the inquiry.

## Funeral Industry Reform

Another Beilenson measure which creates controversy annually is AB 836 which would require funeral directors to list the prices of caskets, funerals, and other services and file them with the industry's state licensing board, add three public members to the board, prohibit embalming or any other activity known to be contrary to the decedent's instructions, and allow for the disposition of cremated remains other than in cemeteries. The bill will have its first hearing in the Senate Business and Professions Committee in July.

Senator George Moscone has introduced two measures which would outlaw certain sales promotion programs. SB 572 would make it unlawful to offer a gift or prize by mail or telephone with the intention of selling goods or services to the individual at the time the gift or prize is delivered. It would be illegal, if SB 573 passes, to notify a person as part of an advertising plan or scheme that he has won a prize on the condition that he must buy something or submit to a sales promotional effort.



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# 1970 Primary: The Long Count

On Tuesday, June 9th, a full week after the election, a *Los Angeles Times* news story was headed "Votes Now Tallied in All But 10 or 11 County Precincts." In the days when hand counts of paper ballots were conducted in each polling place immediately after the closing of the polls, this kind of headline would have been considered shocking. Today, computer voting foul-ups are a commonplace frustration.

How did the state's biggest county lose track of precinct returns? Why did the county of Fresno fail to count any ballots at all for five days following the election in a repeat of a 1968 voting foul-up? These are only two of the many questions that have concerned legislators, citizens committees, and private research firms since the chaos following the June 2nd primary. While there are as many answers as errors, one pervasive conclusion has been drawn — people problems, not computer problems, are basically at fault. Procrastination, that most human malady, has been shown to be the most common cause.

Assemblyman Paul Priolo, Chairman of the Assembly Elections and Constitutional Amendments Committee which conducted extensive hearings in the four counties encountering the biggest problems — Los Angeles, Orange, San Diego and Fresno — believes current legislation will correct some of the problems. AB 519, authored by Assemblyman George Milias, requires that all counties using computer programs submit them to the Secretary of State one week before the election. Those counties, particularly Fresno, which had not thoroughly prepared and "debugged" their election programs sufficiently in advance of the primary election date, would thus be forced to be more timely and better prepared.

## Change for November

However, the Milias bill, which has already been signed by the Governor, will not take effect until 61 days after the end of the current legislative session. In order that the requirements will be in effect in time for the November election, the same provisions were amended into AB 687 by Assemblyman Earle Crandall, along with an urgency clause. The Crandall bill, which the Governor signed on June 24th, also permits the State Commission on Voting Machines, made up of the Attorney General, the Governor and the Secretary of State, to study and adopt regulations governing the use of voting machines and vote tabulating devices and to investigate any alleged violation of election regulations.

But no one is convinced that merely requiring that computer programs be forwarded to Sacramento a week ahead of time will solve the problem. There are many complicating factors which deserve attention. Whatever the title — county clerk, registrar of voters, or registrar-recorder — the men with responsibility for election administration in each county have been required by the Legislature to carry out a very complicated and difficult task in a very short period of time. Each primary election, more candidates choose to run, creating an increasingly lengthy ballot. Adding to the complexity, election law requires that in contests for some positions the names must be rotated from ballot to ballot so that no one name is always first.

In addition, the tangle of district boundary lines in California has gone from bad to worse during the 1960's. No less than three state reapportionments (1961, 1965, and 1967) have changed district boundaries during the decade. Moreover, in most counties, the development of new vote counting equipment had meant at least one "repre-cincting". Thus it is not unusual that precinct lines have changed at least four times in a number of the state's major metropolitan counties.

Those three redistrictings, the last two based upon U. S. Supreme Court guidelines mandating equal population in each district, completely destroyed the traditional concept of contiguous Senate, Assembly and congressional district boundaries. The current political map of Los Angeles County has been likened to a picture of a bowl of spaghetti fingerpainted by Pablo Picasso. For example, one state Assemblyman, William Campbell of the 50th District, has territory represented by five different state Senators within his boundaries. Even neglecting the impact of this kind of line-drawing upon the already confused voter, it is clear that adding special, school, judicial, city, and county district lines together with legislative lines causes a hopeless tangle of hundreds of different combinations of races and candidates which election officials must keep straight.

## Veysey Plan Dead

One attempt to restore some rationality to the system is already dead this session. ACA 6 by Assemblyman Victor Veysey, would have tied the number of senators and assemblymen to the number of congressmen which, of course, changes every decade after the census. In 1971, under the Veysey plan, for example, the Senate would have increased to 42 and the Assembly to 84 members. Senate and congressional lines would have been the same and two Assembly districts would have made up one Senate and congressional district.

Another proposal that merits consideration is a requirement that all state and congressional district lines adhere to census tract boundary lines, small geographic sub-units for population counting. This would be a major improvement in the present method. Then if each county clerk were encouraged or required to use census tract lines as the backbone of his precinct district lines, part of the present tangle would be unsnarled.

Another proposal which has been offered would provide for the consolidation of precincts wherever votes are counted centrally by machine. AB 333, authored by Assemblyman Carl Britschgi, would have allowed for an increase of from 600 to 1,000 voters per precinct. Democrats defeated the bill on the floor of the Assembly because they believed that the additional distance required between home and polling place would work a burden on some voters. Republicans, they believe, are more willing and able to traverse those distances. Nevertheless, a reduction in the number of polling places and the development of satellite computer centers to count ballots on election day would promote a more efficient vote count.

Another constant problem has been the unresolved question of who has authority over the computer installations. In Los Angeles, although the retiring Registrar-Recorder Raymond E. Lee has taken the brunt of criticism for his department's election failures, the computer which does the actual count on election eve belongs to the data processing department.



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# Progress of Major Bills

*The following is the history and status of major bills before the Legislature as of June 30th.*

GOVERNOR'S TAX PROGRAM. AB 1000, AB 1001 (Bagley). Approved April 20 by Assembly Revenue and Taxation Committee and April 28 by Ways and Means Committee, with amendments. AB 1000 failed to pass Assembly May 4; revived and passed 47-28 May 21. AB 1001 approved 66-11. Senate Revenue and Taxation Committee hearings completed; vote scheduled July 1.

DEMOCRATIC TAX ALTERNATIVE. SB 540 (Moscone). Set for final hearing and vote in Senate Revenue and Taxation Committee July 1.

BUDGET BILL. AB 525 (Lanterman) and SB 297 (Grunsky). AB 525 passed by Assembly Ways and Means Committee May 26 and sent to floor for amendments May 27. It was passed by the Assembly June 11 and sent to the Senate Finance Committee. There it was amended to conform to SB 297 which had been approved with amendments by Senate Finance June 10 and placed on the inactive file. AB 525 as amended was passed by the Senate June 18. The Assembly refused to concur in the amendments, and the bill was sent to a Senate-Assembly conference committee. (See page 158.)

GAS TAX ALLOCATION. ACA 38 (Foran). Passed with amendments by Assembly Committee on Transportation. Approved by Committee on Elections and Constitutional Amendments May 1. Will be heard by Ways and Means after passage of the budget. A similar measure, SCA 18 (Mills), has been passed by the Senate Transportation Committee but has been held on the Senate floor.

GAS TAX SPLIT. SB 85 (Mills). Passed by Senate Committee on Transportation March 11. Passed by Senate on reconsideration April 14. Amended and passed by Assembly Committee on Transportation June 25. To Assembly floor.

COASTAL CONSERVATION. AB 2131 (Wilson). Approved by Assembly Committee on Natural Resources and Conservation on June 23. To Committee on Ways and Means.

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## THE LONG COUNT (cont. from page 163)

### Programmer Licensing

Senator Alfred Song, Chairman of the Senate Committee on Business and Professions, is convinced that programmers are at the bottom of the problem and has introduced a resolution to study the possibility of requiring a license to operate or program a computer.

The list of problems attendant to the vote counts is endless. Computer breakdowns, printer's errors, unplanned last minute logic and accuracy tests, jammed phone lines, confused precinct officials, disorganized warehousemen, and, in Los Angeles, an inadvertent bump against a button that shut off the computer system were all culprits.

As hapless Ray Lee put it, "To me, what happened was unbelievable." Assemblyman Paul Priolo, who found the foul-ups very believable, is convinced that things can happen again in much the same manner. While he's concerned about "a total lack of remorse," among Fresno officials, for example, and is far from convinced that the primary election problems have been licked, he also has said, "The general election will be far less complicated, so the vote counting job should be relatively simple. We don't want any hastily enacted legislation."

SCHOOL FINANCE. SB 327 (Teale). Passed by Senate Education Committee and sent to Finance Committee. Amended and held in Finance pending action by Revenue and Taxation Committee on tax bills.

TEACHER LICENSING. AB 122 (Ryan). Received unanimous approval in Assembly Education and Assembly Ways and Means Committees. Passed by Assembly March 16, 60-3. Amended and passed by Senate Committee on Education June 23. Set for hearing in Committee on Finance July 6.

SCHOOL LUNCH FUNDS. SB 1 (Moscone). Passed Senate Committee on Education February 19 and referred to Committee on Finance; amended twice; awaiting passage of budget bill.

SCHOOL LUNCH PROGRAM. AB 318 (Duffy). Passed by Assembly Health and Welfare Committee February 5 and by Ways and Means Committee March 18. Passed 54-5 by Assembly with urgency clause March 20. Approved by Senate Committee on Health and Welfare April 17 and by Finance Committee May 19 with amendments. Passed by Senate 28-1 June 18 and returned to Assembly. Assembly refused to concur in Senate amendments. To conference committee June 19. Approved by both houses June 30.

LEAD IN GASOLINE. AB 79 (Schabarum). Approved with amendments by Assembly Committee on Transportation June 5. Amended on floor June 18 and 25.

AIR POLLUTION. AB 88 (Schabarum). Passed with amendments by Assembly Committee on Transportation March 20 and by Ways and Means Committee April 15. Passed by Assembly April 20, 70-1. Passed with amendments by Senate Committee on Judiciary May 27. Passed Senate Finance Committee June 6.

CONSUMER AFFAIRS. AB 2366 (Hayes and Sieroty). From Governmental Organization Committee without recommendation. To Ways and Means; set for hearing in early July. (See page 162.)

CONSUMERS LEGAL REMEDIES ACT. AB 292 (Hayes). Amended and passed by Assembly Judiciary Committee. Passed by Assembly June 4, 56-0. To Senate Committee on Judiciary; set for hearing July 7. (See page 162.)

WELFARE REFORM. AB 1360 (Duffy). Approved by Committee on Health and Welfare with extensive amendments June 24, on split voice vote. To Committee on Ways and Means.

LEGISLATIVE REORGANIZATION. ACA 2 (Monagan). Approved by Assembly Rules Committee February 23 and by Committee on Elections and Constitutional Amendments April 16. In Ways and Means.

LEGALIZED ABORTION. SB 544 (Beilenson). In Committee on Judiciary; taken under submission June 30.

WOMEN'S RIGHTS. AB 22 (Warren). Approved by Assembly Labor Relations and Ways and Means Committees and passed by Assembly April 8, 63-6. Approved by Senate Industrial Relations and Finance Committees, with amendments. On Senate floor. (See page 161.)

STATE UNIVERSITIES. AB 304 (Barnes). Approved by Assembly Committee on Education and Ways and Means Committee. Refused passage, then passed on reconsideration by Assembly 44-27 on April 22. Amended and passed by Senate Education and Finance Committees May 22 and June 5. On Senate floor.

PENAL REFORM. AB 1511 (Select Committee on Administration of Justice). Passed by Assembly Committee on Criminal Procedure with amendments May 14. Passed by Ways and Means June 4. Passed 45-16 June 10 and sent to Senate Committee on Judiciary.

BUSING. AB 551 (Wakefield). Referred to Committee on Education; from committee without action May 19. Returned to committee June 4 and passed June 17. Passed Assembly 49-18 June 22. To Senate Education Committee. (See page 165.)



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EDUCATION

# U.C. Regents Fire Angela Davis

Angela Y. Davis was appointed as an assistant professor of philosophy at UCLA during the summer of 1969 and began teaching that fall. During the course of the 1969-70 academic year her teaching abilities and practices were closely examined not only by her students but by members of her department, campus administrators, a special faculty panel and at least one regent of the University. None of these examinations produced any significant criticism of Miss Davis' teaching; on the contrary, the evidence has been overwhelmingly favorable to her. Despite her age (26) and inexperience, Angela Davis is apparently an unusually effective and talented teacher.

On June 19th the Regents of the University of California voted 15 to 6 not to renew the contract of Angela Davis, assistant professor of philosophy at UCLA and self-proclaimed member of the Communist Party and former member of the Black Panthers. This action came as no surprise, since those Regents who voted with the majority have made clear their intent to be rid of her. Among the Regents most strongly opposed to her continued employment has been Governor Ronald Reagan, who charged last October that Miss Davis' employment was "deliberately contrived as a provocation to bring about a confrontation."

Miss Davis announced that she was a member of the Communist Party in a speech to students shortly after the fall 1969 term began. There were immediate demands for her dismissal which led UCLA Chancellor Charles E. Young to request a statement from the Regents as to whether their 30-year old rule against the employment of Communists still held in the face of subsequent court decisions and the Regents' own action on June 30, 1969, adopting a rule prohibiting political tests in faculty hiring.

## Initial Dismissal Efforts

It quickly became clear that a majority of the Regents do believe that membership in the Communist Party is incompatible with employment as a teacher by the University. It also became clear that they were determined to dismiss Angela Davis as soon as possible, despite the fact that the courts had ruled that membership in the Communist Party was not sufficient grounds for such action. The Regents voted during the fall to initiate dismissal proceedings against Miss Davis and to deny credit for the single philosophy course that she was teaching. In turn, faculty members, including the chairman of the UCLA academic senate, charged the Regents with a serious infringement of academic freedom.

The initial efforts of the Regents to dismiss Miss Davis failed in the face of strong faculty and administration opposition and a decision by the Los Angeles Superior Court ordering the Regents to allow her to continue to teach. Angela Davis completed teaching her one course in the fall quarter, taught two in the winter quarter and two more in the spring quarter. Although she also continued to profess her loyalty to the Communist Party outside her classes, she was absolved by her students and colleagues from charges that she was guilty of propagandizing her students during class time. Instead, she received praise for encouraging "a free flow of opposing ideas" in her courses and for giving "a balanced viewpoint on any subject she covered."

Like other young, untenured first-year instructors at the University, Miss Davis depended for reappointment to a second year upon a favorable recommendation from her department. The department gave her such a recommendation, as did the dean of the humanities division, the dean of the college of letters and science, and a special *ad hoc* review committee appointed by Chancellor Young. Caught between the Regents and his faculty, Young sided with the faculty and indicated that Miss Davis would be rehired for the 1970-71 academic year.

However, before Young could act, the Regents voted 15 to 6 on May 15th to strip him and UC President Charles Hitch of "any further authority or responsibility" with respect to the hiring and firing of Angela Davis, and to decide for themselves what would be done. Acting as a committee of the whole, the Regents then set about determining the grounds upon which they should base a decision to not rehire Miss Davis, pointedly deferring a final decision until after the close of the spring quarter at UCLA.

## Vote Not to Rehire

After three hours of private discussion on June 19th, the Regents made their decision not to rehire Miss Davis — not because she professes to be a Communist but, according to the 15-member majority, because she had given four public speeches during the year which were "so extreme, so antithetical to the protection of academic freedom, and so obviously deliberately false in several respects as to be inconsistent with qualification for appointment to the faculty of the University of California."

Shortly following the board's action, Miss Davis' attorney announced that she would sue in federal court to retain her job, charging the Regents with violating her right to freedom of speech and to due process of law.

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The rapid proliferation of organizations to combat environmental pollution has littered the countryside with a profusion of acronyms including the following: FOE (Friends of the Earth), GASP (Greater-Birmingham Alliance to Stop Pollution), MECCA (Minnesota Environmental Control Citizens Associations), GOO (Get Oil Out), and CLEAN (Citizens League for Environmental Action Now or Committee to Leave the Environment of America Natural, take your choice). This will come as a surprise to those who thought the acronym was as passe as the no-deposit bottle.



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POLITICAL ROUNDUP

# Primary Vote Reflects Few Surprises

Despite an unusual number of interparty contests, the impact of the primary elections upon the make-up of the California Legislature and the state's congressional delegation was minimal. However, in the 7th Congressional District in Alameda County an incumbent running for re-election was defeated, the first time in over twenty years an incumbent Congressman was defeated in a primary.

Ronald C. Dellums, a Berkeley city councilman with considerable appeal both in his own black community and among the area's many university-oriented residents, beat incumbent Jeffrey Cohelan, a 12-year veteran of the House of Representatives, by 7500 votes. Cohelan, a traditional liberal who has gradually become an opponent of the war in Vietnam, was the target of strong Democratic primary opposition in 1966 when Robert Scheer, who in 1970 is a candidate for the U.S. Senate on the Peace and Freedom ticket, ran a strong anti-war campaign against him. The 29,000 anti-Cohelan votes won by Scheer in 1966 were augmented by 13,000 new registrants, mostly black, in a strong registration drive conducted by the Dellums forces. They proved to be the margin of defeat for Cohelan who received 35,000 votes in both the 1966 and 1970 primaries. Dellums is favored to win over Republican John E. Healy in November.

One side effect of the campaign may be evident in November when Ken Meade, a young Democratic attorney will again battle veteran Republican Caucus Chairman Don Mulford in the 16th Assembly District. Meade, who lost by 9,000 votes in 1968, has been the beneficiary of some of the new registration gathered by the Democrats in the congressional primary.

## Republican Moderates Win

Two bitter Republican primaries were resolved in favor of incumbent moderates Alphonzo Bell and Pete McCloskey. In a campaign marked by high student interest, McCloskey topped Forden Athearn by 12,500 votes in San Mateo's 11th Congressional District. The Vietnam War provided the major issue in the campaign, as ardent "dove" McCloskey defended his position against Athearn's charge that he was disloyal to President Nixon.

In the 28th Congressional District, stretching from Malibu to Palos Verdes, Bell beat attorney John LaFollette by 10,000 votes. The veteran congressional moderate had incurred the wrath of party conservatives when he strongly endorsed Los Angeles city councilman Tom Bradley for mayor in 1969 against incumbent Sam Yorty, after having his own campaign go flat in a losing primary bid. Conservative financiers Patrick J. Frawley, Jr., and Henry Salvatori were helpful to both Athearn and LaFollette. The Los Angeles attorney, who is a distant relative of the Wisconsin Progressive Robert LaFollette, served with Frawley and Senator George Murphy on the board of Technicolor, Inc., until their removal June 17th.

In the hotly contested 24th Congressional District race, former Representative John Rousselot won a slim victory over Dr. Bill McColl of Covina. Patrick J. Hillings, reportedly the favorite of President Nixon and the recipient of the advice of White House aide Murray Chotiner, ran a weak third in the President's old district. Rousselot also won the special election and will face Mrs. Myrlie B. Evers, winner of the Democratic nomination.

The fall contest to replace Representative George Brown in the 29th District will pit State Senator George Danielson, a former FBI agent and member of the Assembly, against business executive Tom McMann, the overwhelming victor in the Republican primary. Danielson beat Richard M. Calderon, a college administrator, by 2500 votes in the third tight primary battle the two have waged in four years.

In Orange County's 35th Congressional District, State Senator John Schmitz won an easy victory in the Republican primary and almost won a majority of the votes cast in the special election to fill the vacancy created by the death of Representative James Utt.

In Senate candidate John Tunney's 38th Congressional District, Republican Assemblyman Victor Veysey and Tunney aide Dave Tunno won strong victories and should engage in an extremely close race in November.

## State Senate Races

In the 4th Senate District, Peter Behr of Mill Valley beat Nicasio attorney Ray Shone and Fairfield councilman Donald Pinkerton by 6,000 votes in the Republican primary and must be the considered favorite over Democrat Michael Peevey in November. In another hard fought Republican primary that usually nominates the November victor, Assemblyman Carl Britschgi beat Portola Valley councilman Samuel Halstead by 12,000 votes in the 12th District. Arlen Gregorio will provide the Democratic opposition in November, running as a strong conservationist.

In Fresno County, Assemblyman George Zenovich won an overwhelming victory in the Democratic primary to replace retiring State Senator Hugh M. Burns. He will face Republican Earl Smittcamp. Senator Walter Stiern, considered vulnerable by Republican strategists, will meet Bill Park, a victor over Kern County supervisor Leroy M. Jackson in the Republican primary in the 18th District.

Sunnyvale councilman Richard Hayden and Redwood City councilman Dixon Arnett are almost certain to join the Assembly Republican Caucus next January. In the 22nd Assembly District, Hayden beat Los Gatos insurance executive Ben Reichmuth who was running with the backing of retiring Assemblyman George Milias. Arnett bested William H. Royer, a Redwood City realtor, by 2,000 votes in leading a field of eight Republicans in the southern San Mateo County district vacated by Carl Britschgi.

San Jose Democrats emerged from a bitter struggle for the nomination to run against incumbent Republican Earle Crandall in the 25th Assembly District with three candidates almost in a dead heat. Attorney Alister McAlister beat Ernest Abeytia by only 150 votes and William Deal by less than 300 votes.

In Fresno, eight Democrats and three Republicans fought each other in their respective primaries to compete



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for the 32nd District seat to be vacated by George Zenovich. P. J. Camaroda, a Fresno city councilman identified with the campaigns of Senator Hugh Burns in the past, ran 3,000 votes ahead of a cluster of more liberal opponents, including attorney Al Villa, former Assemblyman Bert DeLotto, and County Supervisor Joseph A. Reich. Wallace Henderson, the candidate of the *Fresno Bee*, ran a surprisingly poor sixth. A moderate Republican, attorney Kenneth Maddy, a protege of former Fresno Mayor Floyd Hyde, won a 2500 vote margin over the more conservative John D. Hix, creating a race in which party lines are sure to be crossed in both directions.

### Mexican-American Candidates

While challenges from Mexican-American candidates in Democratic primaries were rarely successful, several made significant inroads. In the 79th Assembly District, Peter R. Chacon walked his way to a victory over Marie Widman and favorite George D. Koulaxes. Republican Tom Hom will face Chacon. In an all Mexican-American Democratic primary in the 50th Assembly District, Joseph B. Montoya, a La Puente city councilman, defeated former Assemblyman Philip Soto and will face incumbent Republican William Campbell in the San Gabriel Valley area in November.

San Fernando councilman Manual Flores was unsuccessful, however, in his second attempt to win the Democratic nod in the 41st Assembly District. Jim Keysor won the nomination by a surprisingly slim 2,000 votes over Flores and will oppose first-term Republican Hank Arklin in the fall.

Chicano leaders Abe Tapia and Ralph Ochoa failed to topple incumbent Democrats Walter Karabian and Dave Roberti in the 45th and 48th Districts. Ochoa, an attorney, made a dent in Roberti's margin, however, and is rumored to be interested in a race for the 27th District Senate seat should incumbent George Danielson succeed in reaching Congress.

### Other LA Races

In South Central Los Angeles, Huntington Park councilman Martin Jackson, a Democrat, easily won the nomination to take on Floyd Wakefield, leader of the anti-busing forces in the Legislature. Next door, Democratic Assemblyman Bill Greene with the financial and logistical aid of Senator Mervyn Dymally's forces beat back a strong challenge from Booker Griffin.

With two black candidates coming in a close second, Inglewood councilman Dave Pierson won the Democratic nod to replace Jesse Unruh in the Assembly. Leo Sanocki will contest the 65th District with Pierson.

In the West San Fernando Valley, four Republican write-in candidates were unable to gain enough support to top the vote given in tribute to the late Assemblyman Patrick McGee, whose name appeared on the ballot. The Governor may call a special election in the district or the Republican County Central Committee may nominate a candidate to face Fred M. Ball, narrow winner of the Democratic primary.

The race for the 75th District seat of Assemblyman Victor Veysey will be between Riverside supervisor Raymond T. Seeley, a Republican, and Palm Springs school board member Susan Marx, wife of the late entertainer Harpo Marx. Mrs. Marx beat the favored Fred Singh of Imperial County in the Democratic primary.

U. S. Senate

## Tunney and Murphy Survive Bitter Primary

The *Los Angeles Times* editorial on Monday morning, May 11, 1970 was headed, "Hard Choice in Senate Race." For many it was an understatement as Democratic and Republican partisans alike found little to get enthusiastic about.

Senator George Murphy, already weakened politically by the after effects of a throat operation, won under a cloud resulting from his part-time consultant's contract with Technicolor Inc. and the disclosure by his opponent Norton Simon that he had failed to file reports with the Securities and Exchange Commission on seven occasions when he had bought or sold Technicolor stock.

Simon, who went on to win one-third of the Republican vote, mounted a huge media campaign emphasizing the fact that he was a "dynamic capitalist." Many public relations experts wonder if the industrial giant and U.C. Regent could have purchased any additional media during the brief campaign. The available space seems to have run out before Simon's money did. The total cash outlay may have reached $2.2 million — the price of a Rembrandt once purchased by the art patron who said he paid for 85 to 90 percent of the campaign himself.

### Tunney vs. Murphy in November

While Murphy's victory was never in doubt, the impact of Simon's candidacy has clearly softened him up for the November battle with Congressman John V. Tunney of Riverside. Simon identified eleven Senate votes made by Murphy during his term that, while not at all disturbing to Murphy's conservative backers, may prove to be grist for the Democratic mill.

Tunney, however, will need hard work and good luck to beat Murphy. On the heels of his 200,000-vote victory over his chief rival, Representative George Brown, Jr., his Northern California campaign staff quit, charging that his Southern California campaign directors were "unprofessional" and parochial in their over-emphasis on Southern California.

### Rep. Brown Defeated

Congressman Brown, who at various times in the campaign appeared to be about to overtake Tunney, finally succumbed to a general fear that he was perhaps too mercurical or erratic and a weak opponent against Murphy. Brown himself in a post-election press conference admitted that he had failed to reach "the silent majority." His oft-quoted statement to Stanford students that "violence is as American as apple pie" and his call for the impeachment of the President after the Cambodian invasion did little to reassure the undecided Democrats.

These same middle-class voters were the target of Los Angeles Supervisor Kenneth Hahn and Tunney, who let Brown run away with the votes of the students and CDC-oriented forces mobilized by Sen. Eugene McCarthy in 1968. Hahn's relatively poor showing (17 percent) indicates that Tunney was successful in splitting the difference within his own party, seizing upon issues that did not totally alienate either left or right.



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# Names Win in Secretary of State Race

A time-honored political axiom which has gained even more credence in this age of media campaigns is: "To win — you gotta have name recognition." In the primary campaign for the office of Secretary of State that axiom proved to be the prime factor in the voters' decision.

Edmund G. Brown, Jr., 32, running with the recognition brought by his father's eight years as Governor, beat veteran legislator Hugh M. Burns, 68, in 57 of California's 58 counties — including Senator Burns' own Fresno County. Even though Burns, the former President pro Tempore, had served in office 34 years — longer than any other member of the Legislature — his name recognition could not match that of the liberal newcomer from Los Angeles.

The Republicans also nominated a Los Angeles attorney, 54 year-old James L. Flournoy, a Negro, who received 30 percent of the vote in what generally has been attributed to confusion among the voters between his name and that of the popular incumbent Republican Controller, Houston I. Flournoy. Defeated was 45-year old moderate Assemblyman George Milias, of Santa Clara County, who had the endorsement of 44 legislative colleagues. Mrs. Alberta Jordan, 54, the wife of the late Frank M. Jordan, former Secretary of State for 30 years before his death in March of this year, also lost.

## Issue of Lobbyist Influence

The only significant issue in the campaign was raised by the two Democratic foes. Brown entered the race with a blast at lobby influence in campaign financing, demanding that the Secretary of State — as the state's chief elections officer — play a central role in election reform. Brown went on to promise a strict interpretation of the state's campaign reporting statute so that each contributor and the amount he gives will be clearly identified and reported to the public. Ironically, the current application of the Elections Code, which does not require amounts given to be related to individual contributors, was based on an opinion handed down by Brown's father when he served as Attorney General.

The entry of Burns into the race on the last day of filing brought candidate Brown to the attack immediately. "Senator Burns is seeking this office because his powerful friends need a Secretary of State who will play the game of backroom politics," he charged. Burns responded to Brown's attacks throughout the campaign by emphasizing his intention to maintain the office's traditional non-partisan serenity and Burns continually decried those candidates who "may be seeking to use the office . . . as a stepping stone to further their own political ambitions," in an obvious reference to Brown.

## Brown in the News

Brown had no trouble staying in the news. Republican candidate Kim Pearman disclosed that Brown had not filed a detailed report of his contributors after gaining election to the Los Angeles Community College Board in 1969. He then became involved in a scrap with Democratic party leaders after declaring their party to be so nearly broke that it's "almost out of business." Then he and his father got into print with an argument over whether the state should be divided into two parts, prompting some derision from the other candidates who knew a publicity ploy when they saw one.

The Burns campaign, however, never seemed to be a serious effort. While Brown reported his campaign costs at $48,048, Burns accounted for only $2,000 in the preliminary filing period. Since the recent announcement of his appointment as co-chairman of Californians for Reagan, specualtion has been rampant that he will be appointed to a state commission by grateful Republicans.

Although largely devoid of substantive debate, the Republican campaign was uniquely interesting. James Flournoy, a moderate Republican through the years as a candidate for the Board of Equalization and twice for Congress in the 31st District, became the protege of wealthy oilman Henry Salvatori, a backer of conservative candidates and causes. Although supported by major contributors, Flournoy spent little money in the primary and was unable to wrest the endorsements of any volunteer groups from his opposition, leaving name association with the Controller, whose name followed his on the ballot, as the logical explanation for his success.

Milias, a staunch conservationist and election law expert, running with the endorsement of the liberal California Republican League, trailed James Flournoy with 22.5 percent of the vote. Houston Flournoy violated neutrality to endorse his Assembly colleague and clarify voter confusion, but it was to no avail. Conservative Negro Wendell Handy, 41, backed by the California Republican Assembly received only 8 percent, while the candidate of the United Republicans of California, J.C. Chambers, 73, a member of the Los Angeles School Board, gained 11 percent. Mrs. Jordan, proving that the family name and the feminine approach can be effective, received 15 percent of the vote despite running with almost no money or professional advice. Legislative consultant Jack Leadbetter received a surprising 10 percent of the vote with almost no backing.

By November most voters are expected to distinguish between the two Flournoys running on the Republican ticket. The first black to be nominated for statewide office by a major party will be pitted against the aspiring young Democratic namesake of the former Governor. It may be that the usually desultory and invisible campaign for this office may provide one of the highlights of the fall campaign.



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## Interest Hike Passes

# Five of Eight Propositions Defeated

Californians voting in the June 2 primary defeated five of the eight propositions on the ballot, including a $246 million bond issue to expand UC health science facilities and a $1 billion increase in state support for schools and welfare programs. Only three measures were successful, and none of these requires a direct increase in state or local expenditures.

These results suggest that California's voters were in no mood to authorize increased spending, particularly if such spending carried a University of California label or if there was a strong opposition campaign. Nor were the voters impressed, apparently, by "good government" proposals which they could not easily understand.

Interestingly, the total vote on Proposition 8, which attracted the heaviest vote among these eight measures, was 105% of the total gubernatorial vote and 102.5% of the total senatorial vote. The proposition which received the fewest total votes, Proposition 5, still received 91% of the total gubernatorial vote.

### Propositions 1 and 8 Defeated

Proposition 1, which would have authorized $246 million in state bonds for expansion of UC health science facilities over an eight year period *(California Journal,* April 1970, page 115) was defeated despite strong support from the Governor, Assembly Speaker Bob Monagan, and the press. Proponents, including the campaign firm of Spencer-Roberts and Associates, which ran the losing campaign, blamed voter anger at the University for the defeat. Whatever the reason, University officials are now faced with the necessity of carefully reviewing and probably revising their ambitious plans for expanding the University's medical training and research capacity. Although there is some discussion of returning in November with a much reduced proposal, there appears to be little enthusiasm for such an effort at this time.

Proposition 8 *(California Journal,* March 1970, page 70), representing the California Teachers Association's plan to go directly to the voters in order to gain increased state participation in public school and welfare finance, was rejected by nearly 3 to 1. This proposition was strongly opposed by the Governor and most legislative leaders. They apparently succeeded in convincing the voters that this proposal meant sharply increased taxes rather than tax relief. The proposal received some press and other support in the Los Angeles vicinity as a method of improving school financing, but this obviously was not enough to overcome taxpayer reluctance to vote additional taxes.

### Propositions 3, 4 and 5 Also Lost

Three propositions which would have amended the California Constitution along lines recommended by the Constitutional Revision Commission *(California Journal,* April 1970, page 114) were also defeated. All three measures were up for the second time, having been defeated as part of a larger package in 1968. Proposition 3 deleted obsolete constitutional language regarding corporations and made some changes in the Public Utilities Commission. Proposition 4 also deleted obsolete constitutional provisions, including those relating to grants of land to settlers. Proposition 5 would have made minor changes in language regarding state civil service and would have permitted the Legislature to reconsider a constitutional amendment after having passed it and before its submission to the voters.

### Bond Interest Increase Approved

Among the three propositions which were approved, the most important was Proposition 7 *(California Journal,* March 1970, page 68) which now permits the state to pay interest on its bonds above the preexisting 5% ceiling and specifically authorized acceptance of a new 7% ceiling previously approved by the Legislature. Passage of this measure is expected to permit the state to resume sales of authorized water, higher education, school, and veterans bonds which it had been unable to sell in the current high interest rate market. An initial sale of $300 million in state bonds and notes was successfully completed June 16 — although it was necessary in the case of the state water project to offer bond anticipation notes instead of the bonds themselves because the market has gone beyond the 7% level for this money. There is now no ceiling on bond anticipation notes, which are short-term instruments that ordinarily sell at lower rates than bonds.

**Percentage Vote on Primary Propositions**

| *Proposition* | *% Yes* | *% No* |
|---|---|---|
| 1. Medical facilities | 45.1% | 54.9% |
| 2. Local Government | 53.3 | 48.7 |
| 3. Public Utilities Comm. | 42.0 | 58.0 |
| 4. Obsolete Provisions | 48.5 | 51.5 |
| 5. Constitutional Amendments | 48.6 | 51.4 |
| 6. Textbooks | 55.2 | 44.8 |
| 7. Bond Interest | 56.1 | 43.9 |
| 8. Schools & Welfare | 28.5 | 71.5 |

Proposition 2 was the sole measure of those carried over from the package defeated in 1968 which this time won approval from the voters. Proposition 2 greatly reduced constitutional provisions regarding local government and eased some restrictions on its structure. In the absence of any opposition or direct costs, enough voters were willing to accept this change to give it a 53% majority.

The third successful measure was Proposition 6 which opens the way for multiple adoption of state-provided textbooks for the elementary schools (*California Journal*, April 1970, page 115). This is expected to permit a better matching of children and textbooks, a matching which had been blocked by the relatively rigid single textbook adoption system heretofore required by the state constitution.

## SENATE COMMITTEE CHANGE

Senator Robert J. Lagomarsino was appointed by the Senate Rules Committee as a member of the Senate Committee on Revenue and Taxation. Lagomarsino replaces Senator Lou Cusanovich.



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THIRD HOUSE

# Kaiser's Advocacy In Sacramento

The Kaiser Industries complex is one of California's largest homegrown industrial conglomerates, ranking seventh in combined annual sales behind three oil companies (Standard, Occidental and Union) and three electronics and aerospace firms (North American Rockwell, Litton and Lockheed). Headquartered in Oakland, it boasts 100 active companies and subsidiaries, 242 plants and facilities in 35 states and U.S. possessions and 23 foreign countries, annual sales of $1.8 billion and assets of $2.8 billion.

Henry J. Kaiser, who died in 1967, got his first taste of governmental relations as a public works and war production contractor during the 1930's and 1940's. Kaiser's first formal Sacramento operation was established in 1956 to faciliate the attempts of its engineers division to land research contracts for resource development.

Kaiser still maintains a healthy interest in government as a customer for its goods and a client for its services (a number of Kaiser entities maintain full-time marketing representatives in Washington and support sales efforts with state and local agencies in California). However, in recent years, its Sacramento emphasis has swung increasingly towards representation on public policy issues before the Legislature and the executive branch. This evolutionary progression from government as client to government as regulatory force may not be typical of corporate experience, but it is by no means unique (the political experience of railroads provides an interesting parallel).

Kaiser's Sacramento operation now consists of Nils Eklund, the vice president in charge of Kaiser Industries' Civic Affairs Department, two associates, Joseph Ternes and William Struble, and a separate representative from the medical program (Gibson Kingren). While one or more of the Kaiser team are in Sacramento at any given time, they maintain no office other than a suite in the downtown Capitol Towers apartments, and are technically based in Kaiser's Oakland headquarters. Eklund's responsibilities also include the community affairs program in the San Francisco Bay Area, though a similar job in Los Angeles is handled by separate personnel.

## Legislative Action

The policy-making mechanics of Kaiser's legislative representation program are similar to those used by other corporate or association interests, although of necessity somewhat more elaborate because of Kaiser's diversified interests. Bills are flagged by Eklund each year upon introduction and sent both to the legal division of Kaiser Industries and to operating personnel in various affected segments of the Kaiser complex. The bills are then returned to Eklund with their recommendations. Eklund evalutates these recommendations in terms of their legislative consequences and draws up an "action file" dividing the bills into the usual "support", "oppose", and "watch" categories.

The inevitable internal policy conflicts are resolved by Eklund with Kaiser Industries President E.E. Trefethen and General Counsel William Marks, and, if necessary, Board Chairman Edgar F. Kaiser. Once this is done, however, Eklund is granted considerable latitude in making changes to accomodate corporate goals to the give-and-take of the legislative process, particularly as the pace of the legislative session quickens.

Like many corporate advocates, Eklund feels his primary stock in trade is information. He considers it important to go to great lengths to fill a request for information on any subject in which his company has an interest. Among legislators, "market development" for this information is underwritten by an informal system of co-ordinating the personal campaign contributions of politically active Kaiser executives, a system common to corporate campaign participation.

## Style of Lobbying

However, Eklund does take a considerably broader view of potential information users. Some feeling still exists among traditionalists in the third house that the legislative staffing revolution of the last decade has undesirably disrupted previous relationships between advocates and legislators. Eklund, however, as chairman of a legislative advisory subcommittee on staffing appointed by former Assembly Speaker Luther Lincoln (1955-58), advocated staff expansion and believes developing personal relationships with staff in both legislative and executive branches is essential to good advocacy. Similarly, he believes that it is imperative to observe strict legislative protocol (providing prior notice of opposition and offering negotiated problem-solving) with other advocates as well as with representatives of government.

In evaluating his own Sacramento experience, Eklund emphasizes the importance of continuity, professionalism, and a commitment to participation in Sacramento institutional services programs (in addition to his staffing study, he chaired an advisory committee appointed three years ago by the Senate to review its operational practices). In his opinion, the worst blunder an advocate can make is unethical conduct; it is not only wrong, but destructive of credibility and therefore self-defeating in the long run. Apart from that, he finds the three mistakes most common to organizations working in Sacramento are over-alignment ("consistent identification with one side cuts off access to others and can ultimately result in being taken for granted even by your friends"), failure to define one's own goals clearly, or to evaluate them in the context of public priorities, and over-reliance on top-level lobbying at the expense of grassroots communication.

## Issue Orientation

How can the Kaiser legislative record itself be evaluated? To begin with, despite recent diversification, Kaiser is still highly reliant upon resource development, heavy industry, and construction. In short, Kaiser has a strong commitment to growth in a state where the social desirability of growth is an assumption increasingly questioned. The annual increase in the bills on Kaiser's "Watch List" is probably as much a function of the increasing public interest in environmental problems as it is of the annual increase in the number of all bills introduced in the Legislature. Likewise,



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environmental legislation also undoubtedly contributes heavily to the rapid increase in the number of "oppose" positions, and the continued evolution of the Kaiser legislative effort towards the emphasis on defense characteristic of corporate representation.

Neverthless, Kaiser is something more than a typical corporation. Its size and diversity, its west coast origins, and such innovative wrinkles as its health program make it a maverick within the corporate establishment, but one too big to be ignored or to escape the responsibilities of leadership. The relationship of Kaiser with other corporate colleagues is worthy of further comment. Like other corporations, Kaiser participates in most relevant trade associations, but because of its separate representation, can easily speak out effectively if it disagrees with trade association policy, and is not overly-reliant upon such associations for implementing its objectives. Likewise, many of Kaiser's multitudinous customers have legislative objectives and often request Kaiser's assistance in achieving them. According to Eklund, identifying those requests in which the customer's interest is really vital to Kaiser and weighing it against other Kaiser policy objectives is one of the trickiest aspects of his job.

Hugo
Nils Eklund

## Conflicts in Positions

A classic example of this dilemma is that raised by Kaiser's cautious support of the principle of using gas tax revenues for mass transit and other non-highway purposes. On the one hand, the conduct of mass transit studies might mean a contract opportunity for Kaiser Engineers. Similarly, the construction of such systems could involve not only Kaiser Engineers but also such basic Kaiser products as steel, aluminum, cement and aggregate. On the other hand, while Kaiser is no longer active in road construction itself, it is a major supplier of these same products for that purpose. In addition, other members of the "highway lobby" such as automotive and trailer manufacturers (aluminum and steel) and oil companies (steel and cement) are actual or potential customers. To further complicate matters, both modes of transit might be important to the success of future Kaiser land development projects and the company itself is a major user of all forms of land transportation and owns a substantial fleet of trucks.

On general environmental issues, Kaiser's position is that the problems of continued growth are soluble through technology (which in some instances the company is interested in supplying). A corollary principle is that public regulation in this field should be scientifically sound (and hence approached with deliberation) and economically feasible. Eklund himself inclines to the view advanced by Assembly Speaker Bob Monagan and others that the depth and breadth of concern about the environment will not be revealed until the public has been confronted with the option of paying the true cost of environmental control measures. A related Kaiser principle is that environmental control standards should normally be state-established (to minimize local competitive disadvantages) but locally enforced (to maximize knowledge of the particular problem), and subject to due process. Its position on class legal actions against alleged environmental degradation is that they undercut the existing legislative and administrative framework of environmental control (often the declared purpose of their sponsors, who don't trust it.)

## Pollution is Difficult Issue

Kaiser's major current environmental problem is air pollution from stationary sources. Kaiser's interests include both cement and steel plants, and involve both dust and combustion products. They are hopeful that the adequacy of the present Ringelman smoke test will be re-evaluated before it is used as a basis of further restriction (AB 85, Schabarum). Although Kaiser is now the largest single stockholder in American Motors, the sale of Willys Jeep took Kaiser out of the firing line on auto smog. However, the company is backing legislation to grant tax incentives for automotive fleet owners to convert to natural gas, partly for environmental purposes and partly because natural gas shows some promise of operating economies.

In other tax matters, Kaiser tends to avoid commitment on major tax programs, prefering to zero in on problems of direct interest. It opposes reductions in current depletion allowances for natural resources as well as the imposition of severance taxes. It served notice that it would strongly oppose any tax reform package containing a utility users tax, and as a major aluminum manufacturer, opposes attempts to discourage the use of non-returnable containers by placing tax burdens upon them.

In the field of professional standards, Kaiser generally supports the existing professional licensing and regulation programs but opposes the proliferation of new licensed specialities. Kaiser's major interest here stems from its activities in engineering and construction, although it has also frequently bucked the medical establishment over easing bars to admission of foreign doctors to medical practice in California. Kaiser support for the recently defeated Proposition 1 was also indicative of its concern for the potential supply of trained medical personnel for its own facilities. Its other concerns in the health field include broadening the base of government financial support for pre-paid medical programs for public employees and the inclusion of the Kaiser plan as an option in any such program.

Additional subjects of interests to Kaiser are local government (it generally opposes non-consentual annexation), water (it has few current problems but has built a reputation of the Kaiser Engineers San Francisco Bay-Delta Study Report), and industrial relations. Presiding over these diverse interests, Nils Eklund nevertheless conveys an image of quiet professionalism, an image perhaps more in keeping with Kaiser's current corporate posture than with its ebullient beginnings. The superior resources at his command undoubtedly make it possible for him to leave fewer stones unturned and be more thorough in the practice of the principle of common courtesy, and while his corporation is till a unique entity in California corporate life, Eklund himself a powerful personification of the institutionalized "soft-sell" corporation approach to advocacy in Sacramento.



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# Selected State Government Reports

## EDUCATION

**Parent and Teacher Attitudes Toward Integration and Busing.** California Teachers Association, 1705 Murchison Drive, Burlingame, 94010. May 1970, 48 pages.

**Progress Report of the Advisory Committee on the Financial Provisions of the Education Code.** Advisory Committee composed of school district business managers. Study deals with those financial provisions which prevent school districts from optimizing the use of limited resources. 40 pages.

**Total and Full-Time Enrollment, California Institutions of Higher Education, Fall 1969.** Department of Finance, State Capitol, Sacramento, 95814. March 1970.

## ENVIRONMENT

**Disposal of the Squaw Valley State Recreational Area, Progress Report No. 11.** Department of Parks and Recreation, Resources Bldg., 1416 9th Street, Sacramento, 95814. June 1970.

**Outdoor Noise and the Metropolitan Environment; Case Study of Los Angeles with Special Reference to Aircraft.** Department of City Planning, Los Angeles 1970, 60 pages.

**The Politics of Land-Use Planning and Zoning: An Annotated Bibliography** by Irving Schiffman, Institute of Governmental Affairs, University of California, Davis, 95616. ($2 ea.) June 1970, 62 pages. 218 entries concerning the influence of local government on urban land use.

## WATER

**An Environmental Monitoring Program for the Sacramento-San Joaquin Delta and Suisun Bay.** Stanford Research Institute with assistance from the University of California at Davis for the State Water Resources Control Board, Resources Bldg., 1416 9th St., Sacramento, 95814. May 1970, 158 pages. Study proposes an environmental monitoring program for the Delta and Suisun Bay with emphasis on biologic changes in fishlife, plant life, recreation and other resource uses. Limited supply available.

**Geothermal Wastes and the Water Resources of the Salton Sea Area.** (Bulletin No. 143-7) Department of Water Resources, Resources Bldg., 1416 9th St., Sacramento, 95814. February 1970, 123 pages. A discussion of the geology and hydrology, water quality, and geothermal waste development.

**Hydrological Data: 1968. Volume I: North Coastal Area.** (Bulletin No. 130-68) Department of Water Resources, Resources Bldg., 1416 9th St., Sacramento, 95814. February 1970, 73 pages. Part of series of reports on the quality and quantity of California water. This volume discusses the North Coastal area of the State relative to climatological data, surface water and ground water measurements and surface and ground water quality.

**Lake Tahoe Basin; Preliminary Bibliography** by R. A. Matthews and Charles Schwarz. Department of Conservation, Division of Mines and Geology, Resources Bldg., 1416 9th St., Sacramento, 95814. 1969, 102 pages.

**Regulations and Information Pertaining to Appropriation of Water in California.** Resources Bldg., 1416 9th St., Sacramento, 95814. 1969, 53 pages.

## WELFARE

**Compilation of Laws Relating to Adoptions and Out-of-Home Care for Children.** Department of Social Welfare, 744 P St., Sacramento, 95814. 1969, 99 pages.

**Social and Economic Characteristics of Certified Persons — Adult Aid Medical Assistance Programs, July 1967** by Richard S. Welch and David N. Webber. Department of Social Welfare, Research and Statistics Division, 744 P St., Sacramento, 95814. (Research Series report no. 28). April 1970, 35 pages.

**Social and Economic Characteristics of Recipients of Aid to the Blind, November 1967** by Charles E. Marvin, Department of Social Welfare, Research and Statistics Division, 744 P St., Sacramento, 95814. (Research Series report no. 29). April 1970, 43 pages.

## MISCELLANEOUS

**California Laws Relating to Youthful Offenders, including the Youth Authority Act; the Juvenile Court Law.** Department of the Youth Authority, 714 P St., Sacramento, 95814. December 1969, 177 pages.

**Mobilehomes.** Assembly Urban Affairs and Housing Committee, State Capitol, Sacramento, 95814. January 19th hearing on problems in the mobile home industry, such as inequitable permit fees statewide, mobile home park planning, and consideration of the question of levying property taxes on mobile homes.

**Department of Motor Vehicles: Interim Progress Report** (in accordance with ACR 67, 1969 session). Department of Motor Vehicles, Division of Drivers Licenses and Division of Administration, Research and Statistics Section, 2570 24th St., Sacramento, 95818. Progress of feasibility study to determine whether subgroups of drivers not requiring written test can by waiver of such tests increase governmental economy and allow for more extensive screening of drivers who are deficient.

**Federal Revenue Sharing with the States: Problems and Promises** by Michael E. Levy and Juan de Torres. National Industrial Conference Board, 845 Third Avenue, New York, New York, 10023. 1970, 103 pages.

**The Role of the Legislative Advocate in State Legislatures; Lobbying: Fact and Fiction** by Richard Carpenter, Executive Director and General Counsel, League of California Cities, CSEA Bldg., 1108 O St., Sacramento, 95814. April 1970, 19 pages. Discusses role of lobbyists including popular myths and current realities with a section citing regulations relating to contributions.

**A Study of More Effective Education Relative to Narcotics, Other Harmful Drugs, and Hallucinogenic Substances — A Progress Report.** California State Department of Education, 721 Capitol Mall, Sacramento, 95814. 1970, 32 pages. Deals with a review of the results of a student survey conducted in 11 California school districts with a report of related activities currently being conducted under the project.

**A Study of the Need for a Materials Management System.** Commission on California State Government Organization and Economy, Suite 550, Eleventh and L Bldg., Sacramento, 95814. May 1970, 28 pages with appendices. Review of the State's warehousing and distribution practices.

**A Pilot Study of California State Employee Workmen's Compensation and other Work-Related Disability Benefits.** Commission on California State Government Organization and Economy. May 1970, 46 pages. Findings and recommendations drawn from Commission's study of state employee benefits for work-related disabilities as paid through Workmen's Compensation and other disability benefit systems.



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LETTER FROM WASHINGTON

# Wine Turns To Vinegar

*Lou Cannon, Washington correspondent for Ridder Publications and author of* Ronnie and Jessee: A Political Odyssey, *recently wrote the following letter to Jud Clark, Associate Editor of* California Journal:

We were sitting around a long table in the House of Representatives dining room, one of the few government eating places where one can legally order a bottle of beer, and listening to young people question their California congressmen about Washington.

A public relations man who was also at that table spoke up when the subject turned to congressional reform and indicated, in an oblique defense of the seniority system, that congressmen, like wine, grow better with the aging.

"That's not necessarily true," remarked Rep. Charles S. Gubser of Gilroy, a conservatively moderate congressman who has become steadily more responsive to reform notions. "Some wines improve with aging while others turn to vinegar."

The remark is symbolic of the emerging belief here that the once sacrosanct seniority system, if not on the way out, faces almost certain change in the forthcoming congressional session. The most likely reform, the so-called "rule of three" in which the party caucus or some other instrumentality would choose among the top three in seniority, strikes those who have manned the barricades against the seniority nonesense as altogether inadequate.

It may, however, prove the chink in the wall that ultimately will topple the entire seniority edifice.

What is worst about the system, with the possible exception of its unfairness to true two-party states such as California, is the sense of powerlessness that it has inflicted upon congressmen who have spent the better part of two decades doing a reasonable facsimile of the job to which they were elected.

"I can't even get the committee schedules," grumbled one 20-year veteran of a committee whose chairman is nearly 80. "But the way our chairman runs his shop, it wouldn't make much difference if I did."

This feeling of dismay among the people who are supposed to be running the country is compounded by the knowledge that the executive branch is responsible for much of the information possessed by Congress and that it dispenses this information most selectively.

Gubser, again, put it well in a recent newsletter with the story of a businessman who asked his secretary to order lunch sent to his office.

"The secretary listened to the office snack bar enumerate at least a dozen different sandwiches which were available," Gubser wrote. "She grew tired of writing and told her boss that he could have either ham or cheese. He chose ham thinking he had made a decision. But the area of his decision-making had been arbitrarily limited before he made his decision."

Gubser's solution, which is worthy of serious consideration, is to "Wire Congress into executive branch computer systems" upon which decisions are supposedly based. He argues, persuasively, that Congress should have information other than that which is regularly "spoon fed" to it by the administration.

But the argument will be even more convincing if the House committees become able to use the information they acquire, a condition that will require a widespread realization among the members that old wines *do* indeed sometimes turn to vinegar and a consequent reform that is grounded upon this recognition.

### Some Random Postscripts

Speaking of reform, one searches in vain these days for the many liberals who righteously maintained a few months ago that Rep. Jerome Waldie's attempt to declare "no confidence" in Speaker John McCormack (D-Mass.) would keep him in office. If Waldie (D-Antioch) was supposed to get the blame for McCormack's retention, one wonders if he shouldn't also share in the credit for the speaker's abrupt retirement . . . The congressional liberals from California, however, are more concerned these days with the battle for majority leader than with the fight to reform the seniority system. The choice of many Californians (though not, incidentally, of Waldie, who supports Rep. Morris K. Udall of Arizona) is Rep. John E. Moss of Sacramento, a man widely respected on both sides of the aisle. But few of the congressional handicappers give Moss a serious chance despite his homestate support. Most of the liberals probably will have to decide between Udall, whom they prefer on foreign policy, and Rep. James G. O'Hara (D-Mich.), who has a more palatable liberal record on domestic questions, particularly labor issues.

* * *

Democratic gubernatorial nominee Jess Unruh, making his third and most effective Washington appearance in the past six months, was the featured guest at a reception held at the Georgetown home of David Ginsburg, an attorney who is highly regarded in Democratic circles here. The reception brought out a range of Democratic congressmen, national columnists and old Unruh friends, among them Health, Education and Welfare Dept. Undersecretary Jack Veneman, the former Republician Assemblyman from Modesto . . . Another Democratic nominee, U.S. Senate aspirant John V. Tunney, is preparing for his November showdown with incumbent Rep. George Murphy in a less-than-happy frame of mind. Tunney, who has received fewer offers of financial support than he expected, is stung by national accounts unfavorable to his campaign against Rep. George Brown of Monterey Park. "Some of these people act like I lost the election instead of won it," Tunney complained to one friend.

While most Democratic congressmen, some reluctantly, are going along with Berkeley Councilman Ron Dellums, the upset winner of his party's primary in the 7th Congressional district, he won't have the outright endorsement of at least one Democrat. That would be Jeffery Cohelan, the incumbent whom Dellums beat for the nomination in a campaign that the loser regards as markedly unfair.

Lou Cannon

Lou Cannon



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# Killing Fetus Is Not Murder

On June 12th the California State Supreme Court ruled that California's present law against murder does not cover the killing of a fetus. Murder is defined as "the unlawful killing of a human being, with malice aforethought" under Penal Code Section 187. "We are called upon to decide whether an unborn but viable fetus is a 'human being' within the meaning of the California statute defining murder," the court's decision read. "We conclude that the Legislature did not intend such a meaning."

The case which prompted the ruling involved a man who discovered that his former wife was pregnant by another man. From evidence presented at a preliminary hearing, it was ascertained that he "pushed (his former wife) against the car, shoved his knee into her abdomen, and struck her in the face with several blows." Soon afterward the fetus, estimated to have been at least in its 31st week of development, was delivered stillborn, having suffered a skull fracture and cerebral hemorrhaging. The court was asked to decide whether or not the man was guilty of murder.

### Legal History

Citing historical background, the majority opinion, which was written by Justice Stanley Mosk and concurred in by Justices McComb, Peters, Tobriner and Peek, argued that the California law defining murder, as originally enacted in 1850 followed the "settled common law meaning" and did not consider the fetus to be a human being. According to the court's majority, when the Legislature rewrote the Penal Code in 1872 and adopted the definition of murder which remains in effect to this day, it intentionally decided against a feticide law similar to those in existence in other states at that time. Thus, they concluded, "in adopting the definition of murder in Penal Code Section 187, the Legislature intended to exclude from its reach the act of killing an unborn fetus."

It was argued before the court that progress in medical service rendered obsolete the earlier concept that a fetus was not really a human being until born alive. The court's majority acknowledged that medical progress since 1872 has greatly altered the survival rate for the normally developed fetus born at 28 weeks or more. However, they rejected the conclusion that this fact altered the meaning of the law, arguing that to so rule in this case would be an invasion of the Legislature's role in defining crime, as well as a denial of due process to the defendant who could not have known in advance that his act would be judged a crime.

### Dissenting Opinion

A strongly-worded argument was presented in the dissenting opinion by Acting Chief Justice Burke, with Justice Sullivan concurring. The dissent found the majority opinion "to frustrate the express intent of the Legislature, and defy reason, logic and common sense." Burke contended that in common law the killing of a viable fetus was indeed a serious crime. Moreover, he argued, the term "human being" in the homicide statutes is a "fluid concept to be defined in accordance with present conditions . . ." Hence it was the duty of the court to define murder in the light of the present facts of life. The court's decision in a case 23 years earlier provided sufficient warning, in Burke's opinion, that the court might construe the definition or murder to include the killing of a viable fetus.

### New Legislation Proposed

Under present California law, as a result of the court's decision, the killing of a fetus is punishable only under the lesser offense of illegal abortion. On June 24th, however, Assembly Majority Floor Leader Craig Biddle introduced amendments to add to the Penal Code a definition of the term "human" to include "a fetus which has advanced to or beyond the twentieth week of uterogestation." Biddle said that the bill is intended to "spell out the Legislature's intent that after 20 weeks you can not murder an unborn child."

# Left, Right Attack Judges

The California Supreme Court on June 10th publicly censured Santa Clara County Superior Court Judge Gerald S. Chargin for "improper and inexclusable" remarks made to a Mexican-American youth during a court hearing last year, the first such public censure in the state's history.

The court transcript of September 2nd, 1969 quoted Chargin telling the teenager, who had been convicted of incest with his mentally retarded sister, "You ought to commit suicide . . . Maybe Hitler was right. The animals in our society probably ought to be destroyed because they have no right to live among human beings." Elsewhere in the transcript Chargin was quoted as saying, "Mexican people, after 15 years of age, (think) it's perfectly all right to go out and act like an animal."

### Judge Apologized

On two separate occasions, Judge Chargin has apologized for his remarks. After being censured by the Supreme Court, he said:

> "To my fellow Americans of Jewish faith, I repeat my earlier statement that I never intended approval of anything Adolf Hitler did and particularly his program of genocide. Hitler represents to me the very embodiment of evil.
>
> "To my fellow Americans of Mexican ancestry, I restate my regrets and express my apology for any offense you may have been caused by my words. There is no place in our society for judgment of any on the basis of his race, ethnic origin or creed."

The State Commission on Judicial Qualification, which recommended the censure to the Supreme Court, said Chargin's action constituted "conduct prejudicial to the administration of justice that brings the judicial office into disrepute," but also noted that Chargin's overall record reflected a "tolerant and compassionate attitude" toward minority groups.

Assemblyman Alex P. Garcia had earlier introduced a resolution in the Assembly to impeach Chargin. On May 26th, however, the Assembly Rules Committee tabled the resolution on grounds that avenues of redress through the judicial system had not been exhausted.

### Impeachment Resolutions

Resolutions have been introduced in the Assembly to impeach two Los Angeles Superior Court judges for ruling unconstitutional the policy of



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the Regents of the University of California against hiring members of the Communist Party (see page 165). Assemblyman Floyd L. Wakefield introduced the resolutions to impeach

**IMPEACHMENT**

Article VI, Section 18 of the California Constitution reserves to the Assembly sole power of impeachment of "state officers elected on a statewide basis, members of the State Board of Equalization, and judges of state courts . . . for misconduct in office." The Assembly may approve impeachment by a simple majority vote. Impeachment must then be tried with the Senate sitting as a court. Conviction requires a two-thirds Senate majority.

Judge Robert W. Kenny to whom the case was originally assigned and Judge Jerry Pacht who handed down the ruling.

The resolutions by conservative Wakefield were tabled by the Assembly Rules Committee at the same hearing in which the resolution by liberal Garcia was tabled. Wakefield, however, is seeking recourse in a recall election for which petitions have been circulated and filed in Los Angeles. Due to ambiguity in a 1962 constitutional amendment, certification has been delayed pending determination in court as to the number of valid signatures required to qualify the recall for the ballot.

### Los Angeles Plebiscite

Los Angeles voters will also be taking part in a plebiscite, ostensibly on the qualifications of Superior Court Judge Alfred Gitelson who handed down a controversial decision mandating integration of the Los Angeles City schools. His ruling requires busing of students, if necessary to bring minority enrollment in all the city's schools to within 15 percent of each minority's district population percentage (*California Journal*, Feb. 1970, page 58).

Four opponents filed to run against Gitelson in what the *Los Angeles Times* called "a referendum on school integration." William P. Kennedy, a 43 year old Harvard Law graduate who received 19 percent of the vote, will face the incumbent who received 44 percent of the vote and was the only Superior Court judge not re-elected.

# Contracts Okay Despite Civil Service Law

A little noted decision in April by the Court of Appeal has given the state significant new flexibility in carrying out its functions. In essence, the decision, which was written by Justice Leonard M. Friedman, says that the Legislature may experiment with a variety of different forms in providing for the administration of new state programs, including contracts with separate public or private entities, without doing harm to the concept or objectives of the state civil service.

The case under appeal concerned the state's Medi-Cal program. The California State Employees Association (CSEA) and two taxpayers had sought an injunction against the state to prohibit it from contracting with private or non-profit health insurance carriers for administration of the billing and payment for health services under the program. Such contracts had been specifically authorized by the Legislature in enacting the program. It was CSEA's claim that the Medi-Cal statutes and the contracts constituted a violation of the intent of Article XXIV of the state constitution. Article XXIV, adopted in 1934 and known as the civil service amendment, provides that the merit system shall be the basis of the state civil service system and that state civil service shall embrace "every officer and employee of [the] state," subject only to certain specific exceptions.

### Alternative Interpretations

The extent to which alternative forms of state program administration violate the concept of Article XXIV has been an open question, but in practice it generally has been believed that the Legislature is sharply restricted as to the manner in which it can provide for the administration of state functions. The original decision in this case by the Sacramento Superior Court had avoided the issue, turning down the request for an injunction on the grounds that the plaintiffs had not yet exhausted all administrative remedies. Justice Friedman rejected that ruling as erroneous and faced the constitutional issue directly.

In Friedman's opinion there was precedent for ruling either way. Application of the "nature of the services" test set forth in two State Compensation Insurance Fund cases would have compelled him to rule for the CSEA on the grounds that the services for which the state had contracted were well within the scope of services which the state civil service is to provide. On the other hand, application of a "functional test" derived from two cases regarding San Francisco's civil service appeared to Friedman to support the state's decision on the grounds that what was involved was a function not currently performed by any existing state agency.

Friedman resolved this dilemma by looking back at the history of Article XXIV, pointing out that it was meant as a means of eliminating the spoils system in state government, not as a final blueprint for the state's administrative structure from that time forward.

In this context, Justice Friedman stated his principal conclusion:

> "... the constitutional policy of a merit employment system within the system of state agencies engenders no demand for achieving expansions of state functions exclusively through the traditional modes of direct administration. It does not prohibit legislative experimentation in new forms to fit new functions. It compels expansion of civil service with expansions of state agency structure but does not force expansions of state agency structure to match extensions of state function ... the state civil service suffers no displacement and the underlying constitutional policy is not offended when a new state activity is conducted by contract with a separate public or private entity."

Thus the original decision was affirmed, although on much different grounds, and the Legislature was given assurance that it could continue to experiment with new administrative devices for carrying out state functions.

The CSEA and the Attorney General requested a rehearing before the Court of Appeal on May 7. The Court denied the request and issued an opinion reaffirming its former conclusion

An appeal to the State Supreme Court by the CSEA was denied on June 10. The CSEA does not now plan any further action.



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## PEOPLE IN THE NEWS

### APPOINTED

John Drobny, 28, as Deputy Director of the State Department of Professional and Vocational Standards, by Department Director Leighton Hatch. Drobny has served as assistant consultant to the Assembly Ways and Means Committee since 1968 and was formerly with the Legislative Analyst's office for two years.

Mrs. Deonne C. Griffiths, 35, a Long Beach schoolteacher, as a member of the Governor's Commission on Educational Reform by Governor Reagan. She succeeds Mrs. Susan Schwab, who resigned.

Kenneth F. Hall, 32, as Deputy Director of the Department of Finance by Governor Reagan. Hall, who was assistant secretary of the Agriculture and Service Agency and formerly served as Administrative Assistant to Assemblyman Newton Russell, replaces Kirk West (below).

Assemblyman Ernest N. Mobley as a member of the Commission on California State Government Organization and Economy (the Little Hoover Commission) by Assembly Speaker Bob Monagan. Assemblyman Mobley fills the vacancy left by the death of Assemblyman Patrick McGee.

Dr. John E. Vaughn, 64, a specialist in obstetrics and gynecology, to a four-year term on the State Board of Public Health by Governor Reagan, succeeding Dr. Marco R. Rago.

Kirk West, 33, Deputy Director of the State Department of Finance since 1968, as Chief Deputy Controller by State Controller Houston Flournoy. West, formerly assistant to the State Resources Agency Secretary and senior consultant to the Assembly Republican Caucus, succeeds John P. Sheehan, *(California Journal*, May 1970, page 137).

### ELECTED

Knox Bourne, 54, of Los Angeles, regional Vice President of McGraw-Hill Publications Company since 1959 and President of the Merchants and Manufacturers Association, as Chairman of the State Transportation Board, an advisory body to assist James M. Hall, Secretary of the Business and Transportation Agency.

E. Guy Warren, 69, as Chairman of the Board of Trustees of the California State Colleges for 1970-71, replacing Daniel H. Ridder. Warren, who was appointed to the board by former Governor Edmund G. Brown, has been a member since 1962.

### RESIGNED

Assemblyman John L. Burton as President of the California Democratic Council. Serving as CDC President since March, 1969, Assemblyman Burton emphasized the press of legislative business and the pressures of the coming November election as reasons for his resignation.

### RETIRED

Chief Judge George B. Harris, 68, of the U.S. District Court of Northern California, after 24 years on the federal bench, effective July 31st. Appointed to the district court in 1946 by former President Harry S. Truman, Harris became chief judge in 1961. His major accomplishments include the implementation of a federal public defender system and investigations of state penal institutions which resulted in improving the welfare of inmates.

## CALIFORNIA CALENDAR

| | |
|---|---|
| July 9-10 | **State Board of Education.** Rm. 1138, Junipero Serra Bldg., 107 South Broadway, Los Angeles. 9:00 a.m. |
| July 10 | **Reclamation Board.** Auditorium, Resources Building, 1416 9th St., Sacramento. 10:00 a.m. |
| July 10-11 | **California Law Revision Commission.** Bahia Motor Hotel, 998 Mission Bay Drive, San Diego. 9:30 a.m. |
| July 13-14 | **State College Board of Trustees.** Third Floor Auditorium, Office of the Chancellor, 5670 Capitol, Sacramento. 10:00 a.m. |
| July 15-16 | **State Personnel Board.** Rm. 1194, 515 Van Ness Ave., San Francisco. 9:00 a.m. |
| July 16 | **Little Hoover Commission.** Rm. 6017, State Capitol, Sacramento. 10:00 a.m.<br>**San Francisco Bay Conservation and Development Commission.** Assembly Room, Oakland State Bldg., 1111 Jackson St., Oakland. 2:00 p.m. |
| July 16-17 | **University of California Board of Regents.** University Extension Center, San Francisco. |
| July 16-17 | **California Highway Commission.** Public Works Bldg., 1120 N St., Sacramento. 10:00 a.m. |
| July 22 | **Park and Recreation Commission.** Conference Room, Mark Thomas Inn, 1430 Mark Thomas Drive, Monterey. 9:00 a.m. |
| July 23-24 | **Constitutional Revision Commission.** Airport Marina Hotel, Los Angeles. 10:00 a.m. |
| July 24 | **Reclamation Board.** Auditorium, Resources Bldg., 1416 9th St., Sacramento. 10:00 a.m. |
| July 27 | **State Public Works Board.** State Capitol, Sacramento. 2:00 p.m. |
| July 28 | **State Soil Conservation Commission.** Auditorium, Resources Building, 1416 9th St., Sacramento. 9:00 a.m. |
| July 31 | **California Water Commission.** Scotia Inn, Scotia, Humboldt County. 9:00 a.m. |
| August 3-7 | **State Board of Equalization.** Rm. 102, Public Works Bldg., 1020 N St., Sacramento. 10:00 a.m. |

### CORRECTIONS

Page 136, Col. 2 — The abortion bill is SB 544, not AB 544.

Election Supplement, First page — State Senator John Schmitz did not quite receive the necessary majority to win the special election. The final five percent of the returns forced a run-off.

Second page — U.S. Senate candidate John Tunney received 997,227 votes, not 897,227.

Page 144, Col. 2 — The Committee Structure of the California Senate by Alvin D. Sokolow is published by the Institute of Governmental Affairs at Davis 95616, not Berkeley.

Page 147 — Vote 60 should be AB 782 not 728 and Assemblymen Roberti, Ryan, Unruh and Duffy should all be recorded as not voting.



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VOTING RECORDS

# KEY LEGISLATIVE VOTES

## SENATE

27—SB 722 (Richardson) would require two-thirds confirmation by the Senate of Governor's appointments to the State College Board of Trustees. Passed 23-4.

28—SB 921 (Marks) provides that if as a condition of warranty or guarantee a purchaser is required to return a proof of purchase form this shall not constitute reason for failure to meet obligations of warrantee if purchaser fails to return the form. Passed 22-2.

29—AB 530 (Barnes) would permit a local legislative body to adopt a specific plan and make amendments to it with the approval of the local planning commission and following a public hearing. Refused passage, 16-8.

30—AB 208 (Britschgi) moves Washington's birthday, Memorial and Veterans' Day to nearest Monday for purpose of schools' holiday schedule. Passed 22-2.

31—SCR33 (Moscone) expresses Legislature's displeasure at federal and state construction cutbacks announced by the President and Governor. Passed 22-8.

32—SB 1103 (Deukmejian) would prohibit concurrent sentences of a person who commits and is convicted of a subsequent offense while free on bail from a first charge. Passed 23-6.

33, 34, 35—SB 331 (Alquist) amended to delete statutory authorization and substituted a joint legislative committee report to precede construction of a southern crossing of San Francisco Bay. Amended against the will of the author, 20-11. The amended bill lacked three votes for passage on June 12th, 18-8. Reconsidered on June 16 and passed 21-14.

36—SB 1369 (Deukmejian) would permit court to change to misdemeanor the possession of marijuana or restricted dangerous drugs after one year if the court grants probation without imposing a sentence and declares the offense to be a misdemeanor. Passed 21-11.

Y — Yes
N — No
* — Not voting, unannounced

37—SB 1351 (Beilenson) makes automobile manufacturer liable to dealers for costs of making certain warranty repairs. Approved 22-4.

### SENATE

| Democratic — 19 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ALQUIST (13) | * | * | * | * | Y | * | N | Y | Y | N | * | * | Y | Y | * | * | Y | * | * | * | Y | N | Y | Y | Y | Y |
| BEILENSON (26) | * | * | * | Y | * | * | N | Y | Y | N | Y | Y | * | * | N | Y | * | N | N | N | Y | N | * | Y | Y | Y |
| BURNS (16) | * | * | Y | Y | Y | * | Y | N | N | Y | * | Y | Y | Y | Y | * | * | Y | Y | Y | N | Y | N | * | Y | Y |
| CARRELL (22) | Y | Y | N | Y | Y | Y | * | Y | Y | * | Y | Y | Y | Y | Y | * | Y | Y | * | * | Y | N | Y | Y | Y | * |
| COLLIER (1) | Y | Y | N | Y | Y | Y | Y | N | N | Y | Y | Y | Y | Y | Y | N | N | N | Y | Y | N | Y | N | * | * | * |
| DANIELSON (27) | * | * | * | * | Y | * | N | Y | Y | Y | Y | Y | Y | Y | * | Y | * | Y | * | * | Y | N | Y | * | Y | Y |
| DILLS (32) | Y | Y | N | Y | * | * | * | N | N | * | * | * | Y | Y | N | N | Y | Y | N | N | Y | Y | N | Y | Y | Y |
| DYMALLY (29) | Y | Y | Y | * | Y | N | N | * | Y | N | * | Y | Y | Y | N | Y | Y | * | N | N | Y | N | Y | Y | * | Y |
| KENNICK (33) | Y | Y | Y | Y | Y | Y | Y | N | N | Y | Y | Y | Y | Y | Y | N | * | Y | Y | Y | * | * | * | Y | Y | Y |
| MILLS (40) | N | Y | * | Y | Y | * | N | Y | Y | * | Y | * | Y | Y | * | * | * | * | * | * | Y | N | Y | Y | * | Y |
| MOSCONE (10) | N | Y | Y | Y | Y | N | N | Y | Y | N | Y | * | Y | Y | N | Y | Y | Y | N | N | Y | N | Y | Y | Y | Y |
| PETRIS (11) | N | Y | * | * | * | N | Y | * | Y | N | Y | * | Y | Y | * | * | Y | * | * | * | Y | N | Y | Y | * | Y |
| RODDA (5) | N | Y | * | Y | Y | * | N | Y | Y | N | Y | Y | Y | Y | N | Y | Y | N | N | N | Y | N | Y | Y | Y | Y |
| SHORT (6) | * | * | * | * | * | Y | Y | * | * | N | Y | Y | Y | * | N | Y | Y | Y | N | N | * | * | * | * | * | * |
| SONG (28) | Y | Y | N | * | Y | Y | * | * | Y | N | Y | Y | Y | Y | * | * | * | Y | * | * | Y | N | Y | Y | Y | Y |
| STIERN (18) | Y | Y | Y | Y | Y | N | N | Y | * | * | Y | Y | Y | Y | Y | N | * | Y | * | * | N | * | * | * | * | * |
| TEALE (3) | Y | Y | N | Y | Y | * | N | * | * | * | Y | Y | Y | Y | N | Y | N | N | N | N | * | * | * | * | * | Y |
| WALSH (30) | * | * | * | * | Y | N | Y | * | N | N | * | Y | * | Y | * | N | N | Y | Y | Y | N | * | N | Y | Y | Y |
| WEDWORTH (31) | Y | * | N | Y | Y | Y | * | N | N | N | Y | Y | Y | Y | * | Y | * | N | * | * | * | Y | N | N | * | Y |

| Republican — 21 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| BRADLEY (14) | Y | N | N | N | N | Y | Y | N | N | Y | N | N | Y | Y | Y | N | N | Y | Y | Y | N | N | Y | Y | Y | N |
| BURGENER (38) | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | * | Y | Y | Y | * | * | Y | * | Y | * | Y | N | Y | Y | Y | Y |
| COLOGNE (36) | Y | Y | Y | * | Y | * | * | Y | Y | Y | * | * | * | Y | Y | * | N | Y | Y | Y | Y | N | Y | * | * | N |
| COOMBS (20) | Y | Y | Y | Y | * | Y | Y | N | * | Y | * | Y | Y | Y | Y | * | * | Y | Y | Y | N | Y | * | * | * | * |
| CUSANOVICH (23) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | * | Y | Y | Y | Y | * | * | N | Y | Y | N | Y | Y | Y | Y | Y |
| DEUKMEJIAN (37) | * | * | * | * | Y | Y | Y | Y | Y | Y | Y | N | * | Y | Y | N | Y | Y | Y | Y | Y | * | Y | Y | Y | Y |
| DOLWIG (12) | * | * | Y | * | * | Y | Y | * | * | Y | N | * | * | * | Y | Y | Y | Y | Y | Y | * | * | * | * | * | * |
| GRUNSKY (17) | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | * | * | * | * | * |
| HARMER (21) | * | * | * | * | * | * | * | * | N | * | * | * | Y | Y | Y | N | N | Y | Y | Y | * | * | Y | * | * | N |
| LAGOMARSINO (24) | Y | Y | Y | Y | N | Y | Y | * | N | Y | * | * | Y | Y | Y | N | Y | Y | Y | Y | Y | * | * | * | * | * |
| MARKS (9) | Y | Y | * | Y | Y | N | N | Y | Y | N | Y | Y | Y | Y | Y | * | Y | Y | Y | N | Y | N | Y | Y | Y | Y |
| MARLER (2) | Y | * | Y | Y | * | Y | Y | * | N | Y | * | Y | Y | Y | Y | N | * | Y | Y | Y | * | N | Y | Y | Y | N |
| MCCARTHY (4) | Y | * | * | * | Y | Y | Y | * | N | Y | * | * | Y | Y | * | N | Y | Y | Y | Y | * | * | * | * | Y | Y |
| NEJEDLY (7) | Y | Y | N | Y | Y | Y | N | * | Y | Y | Y | Y | Y | Y | Y | * | Y | Y | Y | N | Y | N | Y | Y | Y | Y |
| RICHARDSON (19) | Y | N | * | N | N | Y | Y | N | N | Y | N | N | N | Y | Y | N | * | Y | Y | Y | Y | * | Y | N | Y | N |
| SCHMITZ (34) | * | * | * | * | * | * | * | * | N | * | * | * | N | * | Y | N | * | Y | Y | Y | N | Y | N | N | N | * |
| SCHRADE (39) | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | N | N | Y | Y | Y | N | Y | Y | Y | Y | N | Y | N | N | Y | Y |
| SHERMAN (8) | Y | Y | Y | Y | Y | Y | Y | Y | Y | * | Y | Y | Y | Y | Y | Y | * | Y | Y | Y | Y | N | Y | * | Y | * |
| STEVENS (25) | * | * | * | * | * | Y | Y | Y | Y | Y | Y | * | * | * | Y | N | * | Y | Y | Y | Y | N | Y | Y | Y | Y | Y |
| WAY (15) | * | * | * | * | N | Y | * | Y | Y | Y | Y | Y | Y | Y | Y | * | * | Y | Y | * | Y | N | Y | * | Y | * |
| WHETMORE (35) | * | * | Y | * | N | Y | * | * | N | Y | Y | N | N | Y | Y | N | * | Y | Y | Y | N | N | N | Y | * | Y |



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## Key Votes (cont.)

38—SB 530 (Dymally) would permit local junior college districts to waive any tuition fee levied on a nonresident minor determined to be self-supporting, independent of his family and unable to pay all or any part of the fee. Passed, 23-5.

39—SB 178 (Alquist) allows the state colleges' trustees to acquire property and construct student health centers and/or cafeterias to be financed by a prescribed fee. Passed 31-3.

40—AB 1262 (Lanterman) appropriates $4,000,000 in augmentation of the state emergency fund. Passed, 35-0.

41—SB 579 (Bradley, etal) creates an incentive teaching program in the State Colleges to encourage academic employees to increase their basic instructional load by offering additional salary for extra units taught. Approved 24-7.

42—SB 380 (Rodda) changes notification of parents to regular procedures rather than by present restrictions for sex education classes. Deletes provision that teacher may lose credential for violation of the act. Passage refused 10-17.

43—AB 525 (Lanterman) Senator Marks moved to amend the Budget Bill to authorize the Director of Finance to augment the State College budget when enrollments exceed projections by more than 2%. Adopted 17-6.

44—AB 525 (Lanterman) adoption of the amended Budget Bill and sending it back to the Assembly. Received the requisite two-thirds vote, 29-6.

45—Senator Alquist asked for a division of the question on the appointment of Clay M. Mitchell to the State Board of Education. Mitchell was approved 27-9.

46—SB 1361 (Lagomarsino) amends the Vehicle Code to authorize a court to suspend the driver's license of persons convicted of narcotics violations where a motor vehicle was incidental to the crime.

47—SB 604 (Alquist) enables a limited number of school districts to establish pilot programs without losing state money for failing to maintain minimum class size standards.

48, 49—SR 225 (Marks, Moscone, et al) requests the U.S. Navy to cooperate with the Bay Conservation and Development Commission as other agencies are required concerning fill projects. A move to re-refer the resolution was defeated, 8-20. The resolution was then carried 21-9.

50—SB 322 (Beilenson) allows the sale of prophylactics to minors. Passed 21-4.

51—SB 543 (Beilenson) prohibits hospitals permitting sterilization operations from imposing restrictions not imposed upon other surgical operations. Approved, 24-1.

52—SB 272 (Song) requires that an implied warranty that goods are merchantable applies to the sale of all consumer goods sold in California unless the manufacturer specifies the sale is on an "as is" or "with all faults" basis. Sent to Assembly, 24-5.

### ASSEMBLY

64—AB 1783 (Russell) would permit senior high school students to take driver training courses in lieu of physical education. Passed 45-12.

65, 66, 67—AB 16 (Ketchum) would prohibit burning of waste material in open dumps. Limits agricultural burning to periods when atmospheric conditions will not produce air pollution. An urgency clause, requiring two-thirds, was defeated June 4, 48-12. A motion to re-refer to committee was defeated on June 10, 9-39, and passage of the bill ensued 56-7.

68—AB 1171 (Fong) provides that student participation in classes employing programmed materials and electronic teaching aids may be included in computing ADA in junior colleges. Passed 42-14.

69—AB 1225 (Brathwaite) increases from $125 to $300 the minimum amount owed, exclusive of interest or attorney fees, before an attachment may be issued. Passed, 41-10.

70—AB 1998 (Murphy) increases University of California revenue bond interest limit from 6 to 8 percent Passed 42-22.

71—AB 1511 (Biddle) cuts Adult Authority from nine to five members. Sets new parole limitation for California prisoners. Approved 45-16.

72—AB 1695 (H. Johnson) provides that the Speaker of the Assembly and the Senate Rules Committee shall appoint the legislative members, and deletes specific area requirement for representation on the Joint Committee on Fairs Allocation and Classification. Passed 44-18.

73—AB 1065 (Miller) would prohibit any organization practicing discrimination from claiming welfare exemption from property taxes or other taxes. Defeated 31-28.

74—AB 92 (Conrad) would permit suspension or firing of teachers who dismiss, refuse to hold, or urge class boycotts by pupils. Passed 50-13.

75—AB 2242 (Brathwaite) amends regulations for provision of disability insurance for social workers. Passed 41-34.

76, 77, 78, 79—AB 525 (Lanterman) The Assembly's budget bill. A motion to re-refer the bill to Ways and Means after it was learned that the bill was not balanced was defeated on June 9, 36-31. Zenovich's motion to move into a committee of the whole on June 11 was turned down, 34-38. Lanterman's bid to re-refer the bill lost narrowly, 39-21. Passage ensued with exactly the requisite two-thirds vote, 54-16.

80, 81—AB 1852 (Briggs) provides personal property broker may charge up to one and one-half percent per month on amounts between 500 and 1500 dollars rather than 500 and 700 dollars. The bill passed 43-16, and a motion for reconsideration was defeated, 28-34.

82, 83—AB 1046 (Stull) permits college trustees to contract for bindery services on publications from any private firm located in California. First refused passage on June 15, 36-20, the measure passed on June 17, 42-20.

84, 85—AB 1887 (Cory) deletes provision requiring mandatory physical education for students in junior colleges. The bill failed 19-36, but upon reconsideration June 17, the bill succeeded 42-26.

86—ACA 47 (Biddle) authorized public aid to private, non-profit institutions of higher education. Carried 56-16.

87—AB 67 (Biddle) provides for vote on air pollution standard changes on November ballot. Passed 56-16.

88—AB 1807 (Vasconcellos) lays groundwork to establish vending stands operated by blind people. Passed 46-17.

89—AB 79 (Schabarum) amended on June 18 to delay effective dates of restrictive lead allowances in gasoline and increased permissable lead content. The amendments by Assemblyman Burke passed against author's wish, 35-30.

90—AB 551 (Wakefield) prohibits governing board of school district from requiring any student to be transported for any purpose without the written permission of the parent or guardian. Passed June 22nd, 49-18.

91—AB 150 (MacGillivray) limits oil and gas leases within the Santa Barbara Channel which would destroy aesthetic values. Refused passage, 29-21.



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| Democratic — 39 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| BEE (13) | * | Y | * | Y | Y | Y | Y | N | N | * | N | N | N | Y | N | Y | Y | N | N | N | N | N | Y | Y | N | * | Y | * |
| BRATHWAITE (63) | * | N | * | * | Y | Y | Y | Y | Y | Y | Y | * | Y | * | * | * | N | Y | * | * | * | Y | Y | Y | Y | N | N | * |
| BROWN (18) | * | N | * | * | Y | Y | Y | * | * | * | N | Y | N | Y | N | N | * | Y | * | N | * | Y | Y | Y | * | * | N | * |
| BURTON (20) | Y | * | * | * | * | Y | * | Y | Y | Y | N | Y | N | Y | N | Y | N | Y | N | N | Y | Y | * | * | Y | * | N | N |
| CORY (69) | Y | * | * | Y | Y | * | N | N | Y | Y | Y | Y | N | Y | * | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | N |
| CROWN (14) | Y | * | Y | N | Y | Y | Y | Y | Y | Y | N | Y | N | Y | N | N | * | Y | * | * | N | N | N | N | Y | Y | N | N |
| CULLEN (44) | N | N | * | Y | Y | Y | N | Y | Y | Y | Y | Y | N | Y | N | Y | Y | * | Y | Y | * | Y | Y | Y | Y | N | Y | N |
| DAVIS (1) | Y | Y | N | Y | Y | Y | N | N | N | N | Y | N | N | Y | * | Y | Y | N | N | N | N | * | Y | Y | Y | N | Y | * |
| DEDDEH (77) | N | Y | * | * | Y | * | * | * | * | * | Y | Y | * | Y | * | Y | N | Y | N | N | N | Y | Y | Y | Y | N | Y | N |
| DUNLAP | * | N | Y | N | Y | * | Y | Y | * | Y | N | Y | N | Y | N | N | N | Y | N | * | Y | Y | N | N | Y | N | N | N |
| FENTON (51) | Y | Y | * | Y | Y | Y | N | Y | Y | * | Y | Y | N | Y | N | Y | N | Y | N | N | N | Y | N | N | Y | Y | Y | N |
| FONG (15) | Y | Y | Y | Y | Y | Y | * | Y | N | Y | * | * | N | Y | * | N | * | * | * | * | * | * | * | * | * | Y | * | * |
| FORAN (23) | Y | Y | * | Y | Y | Y | Y | Y | Y | Y | Y | Y | * | Y | * | Y | * | Y | N | * | Y | Y | Y | Y | * | N | Y | N |
| GARCIA (40) | * | * | * | Y | * | Y | Y | Y | Y | Y | * | * | N | Y | N | N | * | * | * | * | N | * | * | * | * | * | * | * |
| GONSALVES (66) | * | Y | N | Y | Y | N | Y | Y | Y | N | Y | Y | N | Y | * | * | Y | N | * | * | N | N | Y | Y | Y | Y | Y | Y |
| GREENE, B. (53) | Y | * | Y | N | Y | * | * | * | Y | Y | * | Y | N | * | * | * | * | Y | * | * | * | Y | * | * | Y | Y | N | * |
| GREENE, L. (3) | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | * | Y | N | Y | * | N | * | Y | * | N | * | Y | Y | Y | Y | N | N | * |
| JOHNSON, H. (58) | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | N | Y | N | Y | Y | * | N | N | * | Y | Y | Y | Y | Y | Y | Y |
| KARABIAN (45) | * | * | Y | Y | * | * | * | Y | Y | Y | Y | Y | * | Y | N | N | * | Y | * | N | * | Y | Y | Y | Y | Y | Y | N |
| KNOX (11) | Y | N | * | Y | Y | Y | Y | Y | Y | Y | N | Y | N | Y | N | Y | Y | N | Y | Y | * | Y | Y | Y | Y | Y | * | * |
| MacDONALD (37) | * | * | N | Y | * | Y | Y | Y | Y | Y | Y | Y | N | Y | N | N | Y | Y | Y | * | * | Y | Y | Y | Y | N | Y | Y |
| MCCARTHY (19) | Y | N | * | Y | Y | * | Y | Y | Y | * | * | Y | N | Y | N | Y | * | Y | * | * | Y | Y | Y | Y | Y | Y | * | * |
| MILLER (17) | * | * | * | Y | * | * | * | Y | Y | Y | N | Y | N | Y | N | N | N | Y | N | N | Y | Y | Y | N | N | Y | * | * |
| MORETTI (42) | * | * | * | Y | * | * | * | Y | Y | Y | * | Y | * | Y | * | Y | Y | Y | N | * | * | Y | Y | Y | Y | Y | Y | N |
| PORTER (38) | Y | Y | N | Y | N | Y | Y | Y | Y | Y | Y | Y | * | Y | * | Y | Y | * | N | * | Y | Y | Y | Y | Y | Y | * | * |
| POWERS (8) | Y | Y | N | Y | N | Y | Y | Y | Y | Y | Y | N | N | Y | N | Y | N | * | N | N | N | Y | Y | Y | Y | * | Y | * |
| QUIMBY (72) | * | * | * | * | * | * | * | * | * | * | * | N | * | * | * | * | Y | Y | N | N | * | N | Y | Y | N | Y | N | N |
| RALPH (55) | Y | * | * | * | Y | * | Y | Y | Y | Y | N | Y | N | Y | N | N | N | Y | * | N | Y | Y | N | N | Y | Y | N | N |
| ROBERTI (48) | * | * | * | * | * | * | Y | * | * | * | N | Y | N | Y | * | N | * | Y | * | * | Y | Y | Y | Y | Y | N | N | N |
| RYAN (27) | Y | N | Y | N | Y | Y | N | Y | Y | Y | * | Y | * | * | * | * | * | N | * | Y | * | Y | N | N | Y | N | N | * |
| SIERCTY (59) | Y | N | Y | N | Y | Y | Y | Y | Y | Y | N | Y | N | Y | N | N | N | Y | * | * | * | Y | * | * | N | N | N | N |
| THOMAS (68) | Y | Y | N | Y | Y | Y | Y | Y | Y | N | Y | Y | N | Y | * | Y | * | N | * | N | N | N | Y | Y | Y | N | * | * |
| TOWNSEND (67) | Y | Y | N | Y | Y | Y | * | Y | Y | * | Y | Y | N | Y | * | Y | Y | * | N | N | N | Y | Y | Y | * | * | Y | Y |
| UNRUH (65) | * | * | * | * | * | * | * | * | * | * | * | Y | * | Y | N | * | * | Y | * | N | Y | Y | Y | Y | * | * | * | * |
| VASCONCELLOS (24) | Y | Y | N | * | * | Y | Y | Y | Y | Y | N | Y | N | Y | N | N | N | Y | * | * | Y | Y | Y | Y | Y | N | N | N |
| WARREN (56) | Y | * | * | * | Y | * | N | * | * | * | * | Y | N | * | * | * | N | Y | N | N | * | Y | N | N | Y | N | N | N |
| WAXMAN (61) | * | Y | * | Y | Y | * | N | Y | Y | Y | N | Y | N | Y | * | N | N | Y | N | N | * | Y | N | N | * | Y | N | N |
| Z'BERG (9) | N | N | Y | N | Y | * | Y | Y | N | Y | * | Y | N | Y | N | N | * | Y | N | N | N | N | N | N | * | N | N | N |
| ZENOVICH (32) | Y | Y | * | * | Y | * | * | * | * | * | * | Y | N | Y | N | Y | Y | Y | N | * | * | Y | Y | Y | Y | N | Y | * |

| Republican — 40 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ARKLIN (41) | Y | Y | N | Y | N | * | N | N | Y | N | Y | N | Y | N | Y | Y | N | * | Y | Y | N | * | Y | Y | N | Y | Y | Y |
| BADHAM (71) | Y | Y | N | Y | N | * | * | N | Y | N | Y | N | Y | N | Y | Y | Y | N | * | Y | N | * | Y | Y | N | Y | Y | * |
| BAGLEY (7) | * | * | N | Y | * | * | Y | Y | * | Y | N | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | * | N | N | * |
| BARNES (78) | N | Y | N | Y | N | * | N | N | N | N | Y | N | Y | N | Y | Y | * | N | Y | Y | Y | Y | Y | Y | N | Y | Y | Y |
| BELOTTI (2) | Y | Y | N | Y | * | Y | N | Y | * | N | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | Y | Y | Y | Y | Y | Y |
| BERRYHILL (39) | Y | Y | N | Y | Y | N | N | N | N | N | Y | Y | Y | N | Y | Y | * | N | Y | Y | Y | Y | Y | Y | N | Y | Y | * |
| BEVERLY (46) | Y | Y | N | Y | Y | Y | Y | Y | Y | N | Y | Y | N | * | * | Y | Y | N | Y | Y | * | Y | Y | Y | N | N | Y | Y |
| BIDDLE (74) | N | Y | N | Y | * | Y | Y | Y | N | Y | Y | N | Y | N | Y | Y | Y | N | Y | Y | * | N | Y | Y | N | Y | Y | Y |
| BRIGGS (35) | Y | Y | * | Y | N | Y | N | N | Y | N | Y | Y | Y | N | Y | Y | * | N | Y | Y | Y | Y | Y | Y | * | N | Y | Y |
| BRITSCHGI (26) | N | Y | N | Y | Y | Y | N | Y | N | N | Y | N | Y | N | N | Y | Y | N | Y | Y | N | N | Y | Y | Y | Y | Y | Y |
| BURKE (70) | N | Y | * | * | Y | * | N | * | * | * | Y | * | Y | N | Y | Y | * | * | * | * | N | * | * | * | * | Y | Y | * |
| CAMPBELL (50) | * | * | * | Y | * | * | * | Y | Y | N | Y | Y | * | N | Y | Y | Y | * | Y | Y | * | * | N | Y | Y | * | N | * | * |
| CHAPPIE (6) | Y | Y | N | Y | Y | Y | Y | Y | N | N | Y | N | Y | N | Y | Y | * | N | * | N | * | Y | Y | Y | N | Y | Y | Y |
| COLLIER (54) | Y | Y | N | Y | N | N | Y | N | Y | N | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | Y | Y | N | Y | Y | Y |
| CONRAD (57) | Y | Y | N | Y | N | Y | Y | N | Y | N | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | * | N | N | Y | * | * |
| CRANDALL (25) | Y | Y | N | Y | Y | Y | Y | Y | N | * | Y | N | Y | N | Y | Y | N | * | Y | Y | N | * | Y | Y | Y | N | Y | Y |
| DENT (10) | Y | N | N | Y | Y | Y | Y | Y | * | Y | Y | N | Y | N | Y | Y | Y | N | Y | Y | Y | Y | N | N | Y | Y | N | Y |
| DUFFY (21) | Y | Y | N | Y | Y | * | N | * | * | N | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | * | Y | Y | Y | Y | * | Y | * |
| HAYES (39) | Y | Y | N | Y | N | * | N | Y | Y | N | Y | N | Y | N | Y | Y | Y | * | Y | Y | N | N | Y | Y | * | * | Y | Y |
| HOM (79) | Y | Y | N | Y | Y | * | * | N | N | Y | Y | * | Y | N | Y | Y | * | * | * | Y | N | * | Y | Y | Y | Y | * | * |
| JOHNSON, R. (4) | Y | Y | * | * | * | Y | N | * | * | * | Y | N | Y | * | * | * | Y | N | Y | Y | * | * | Y | Y | Y | Y | Y | Y |
| KETCHUM (29) | Y | Y | N | Y | N | Y | Y | N | Y | Y | Y | N | Y | N | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | N | Y | Y | N |
| LANTERMAN (47) | Y | Y | N | Y | * | N | Y | Y | Y | N | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | * | Y | Y | * | N | Y | Y |
| LEWIS (73) | * | Y | * | * | Y | * | Y | * | * | * | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | Y | Y | Y | * | Y | Y |
| MACGILLIVRAY (36) | Y | Y | Y | N | Y | Y | N | N | N | N | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | N | N | Y | * | Y | Y |
| MILIAS (22) | * | * | N | Y | * | * | * | Y | N | * | * | Y | Y | N | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | N | N | Y |
| MOBLEY (33) | Y | Y | N | Y | * | Y | Y | * | N | N | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | N | N | N | Y | Y | Y |
| MONAGAN (12) | N | Y | * | Y | * | Y | Y | Y | * | N | Y | N | Y | N | Y | Y | Y | N | * | Y | N | N | N | N | N | Y | Y | Y |
| MOORHEAD (43) | Y | Y | N | Y | N | N | N | N | Y | N | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | N | N | N | Y | Y | * |
| MULFORD (16) | Y | Y | N | Y | * | Y | Y | * | * | N | Y | N | Y | N | Y | Y | Y | N | N | Y | N | N | * | * | N | N | * | Y |
| MURPHY (31) | N | Y | N | Y | N | N | Y | Y | Y | N | Y | N | Y | N | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | Y | N | Y | N |
| PRIOLO (60) | Y | N | * | * | * | N | Y | * | * | * | Y | N | Y | N | Y | Y | * | * | * | Y | N | Y | Y | Y | * | N | Y | N |
| RUSSELL (62) | Y | Y | N | Y | Y | Y | N | N | Y | N | Y | N | Y | N | Y | Y | Y | * | Y | Y | N | Y | Y | Y | Y | Y | Y | Y |
| SCHABARUM (49) | N | Y | * | Y | N | * | * | Y | Y | Y | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | Y | Y | Y | N | Y | Y |
| STACEY (28) | * | * | N | Y | * | N | Y | * | Y | N | Y | Y | Y | N | Y | Y | Y | N | Y | Y | N | N | Y | Y | Y | * | Y | * |
| STUL_ (80) | N | Y | N | Y | Y | N | N | N | N | N | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | Y | Y | Y | Y | Y | Y |
| VEYSEY (75) | N | Y | * | * | Y | Y | Y | * | * | * | * | N | * | * | * | * | Y | N | Y | Y | * | * | Y | Y | N | Y | Y | * |
| WAKEFIELD (52) | * | Y | N | Y | N | N | N | N | Y | N | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | N | N | N | Y | Y | * |
| WILSON (76) | * | * | N | Y | * | Y | Y | * | Y | * | Y | N | Y | N | Y | Y | Y | N | Y | Y | N | N | Y | Y | * | * | Y | Y |
| WOOD (34) | * | Y | N | Y | Y | Y | Y | Y | N | * | Y | N | Y | N | Y | Y | N | * | Y | Y | N | N | Y | Y | Y | N | Y | Y |



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The danger of power is not so much that it is corruptible, but that the search for it becomes more fascinating than the exercise of it.

— Arthur Hoppe

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